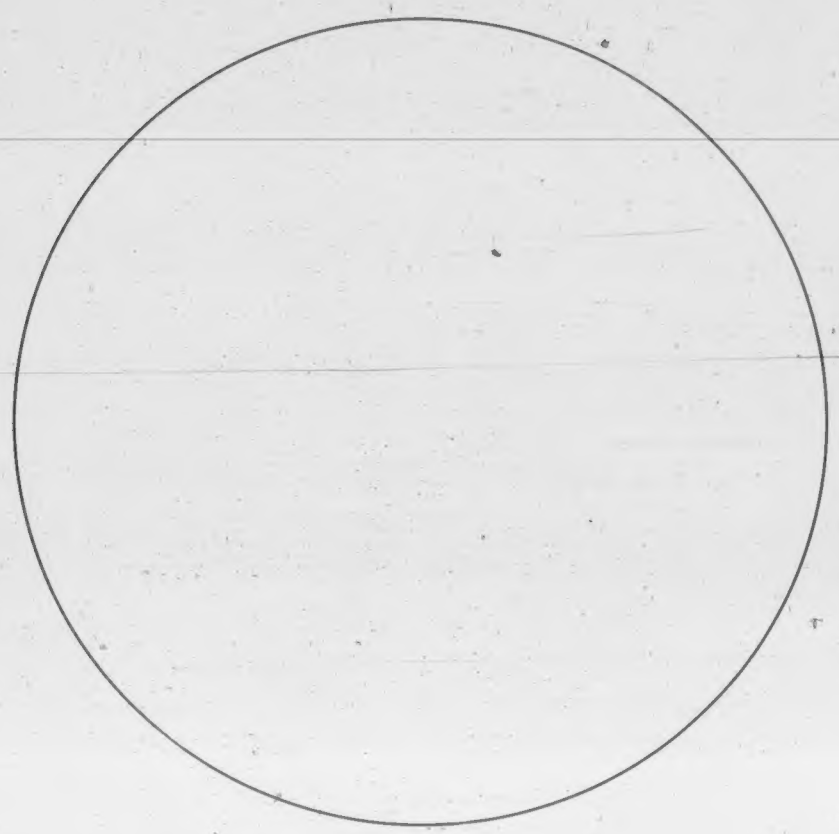
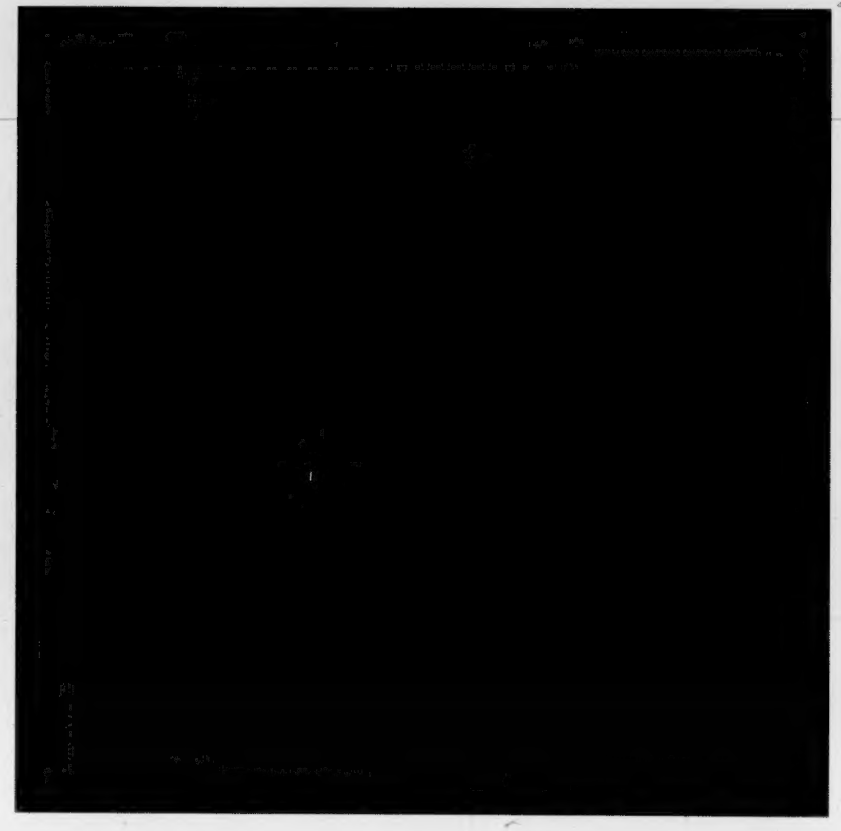


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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

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MISSISSIPPI CHOCTAW MCR 5395 - MCR 5490

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WASHINGTON: 1983

Choctaw MCR 5395

John A. Jackson

See MCR 4490

MCR 5395

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 28, 1902.

#8398. --------oOo--------

In the matter of the application of John A. Jackson for the identification of himself and his son Roy P. Jackson as Mississippi Choctaws.

Applicants not represented by attorney.

John A. Jackson, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A John A. Jackson.
Q What is your age? A Thirty-one.
Q What is your post office address? A My post office is Wilburton, Indian Territory.
Q How long have you lived in the Indian Territory? A I have lived in the Indian Territory for about ten or eleven years.
Q And in Wilburton how long? A Two years I believe.
Q Where did you live before you lived in the Territory?
A I lived in Texas. I was born in Tennessee.
Q How long did you live in Tennessee? A I was a very small boy; just can remember being there and that's all.
Q And from Tennessee you went to where? A To North Texas.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Why, my father.
[illegible]
Q What is your father's name? A [illegible] Jackson.
Q What is your mother's name? A Mary E. Jackson.
Q Have you the proof of the marriage of your father and mother with you? A No sir.
Q Can you introduce it later? A I think so.

Reasonable time will be allowed for that purpose.

Q Are you married? A Yes sir.
Q What is your wife's name? A I have been married twice. My present wife------
Q I mean the wife that you have had children by? A I have had children by both.
Q What is the first wife's name? A Louella Jackson.

Q Is she living? A Yes sir.
Q Got a divorce? A Yes sir, introduce a copy if necessary.
Q Did she get the divorce or you? A I get the divorce.
Q In what Court? A The United States Court at Ateka.
Q When? A 1895.
Q On what ground? A On what ground? Well, you might say desertion.
Q Did the Court give you the custody of any children at that time?
A No sir, the child was not born at that time.
Q Did you get it afterwards? A No sir.
Q She has the legal custody of that child? A Yes sir.
Q You really never had the child in your possession? A No sir.
Q What is the name of that child by your first wife? A Odie Neal Jackson.
Q How old is that child at the present time? A It was eight years old the 26th day of this past February.
Q And was living when you obtained the divorce against your wife?
A Yes sir.
Q Why wasn't it included in that divorce proceeding against your wife at that time? A My attorney said I could get it lat er.

The application of the child is refused at this time and under the present circumstances, because it is shown by the applicant that he has had no personal knowledge of the child for about eighteen months and therefore the child may not be living at the present time. It is now in the custody, if living, of its mother, and for that reason the present application for the identification of the Child is refused; but if at some future time the child is produced before the Commission and application is made by its parents, it will be heard on application for identification. And it is further shown by the testimony here that this applicant supported the child or assisted in its support up until two years, since which time no support has been given by him.

Q That is right is it? A Yes sir.

A certified copy of the marriage license of John A. Jackson and Innie A. Tonlin is presented by applicant, marked Exhibit "A" and made a part of the record in this case.

Q This, then, is the name of your second wife is it? Innie A. Jackson? A Yes sir.
Q Was your first wife a white woman? A Yes sir.
Q And your second wife also? A Yes sir.
Q Have you any children that you want to make application for through your second wife, Innie A. Jackson? A Yes sir, one.
Q What is the name of that child? A Roy P. Jackson.
Q How old is Roy? A Roy is five years old.
Q Innie A. Jackson is the mother of this child? A Yes sir.
Q She's living and a white woman? A Yes sir.
Q You do not make any claim for her? A No sir.
Q Is your name or the name of your son Roy on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Did you ever make application before this time either to the Dawes Commission or the Choctaw tribal authorities for enrollment in the Choctaw Nation for yourself and any of your children? A No sir.
Q Do you now come before the Commission to identify yourself and your child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q You have never been enrolled by the Choctaw authorities as a member of the Choctaw tribe of Indians then? A No sir.
Q You understand that article of that treaty? A Why, I don't know. There may be some points that I don't thoroughly understand.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830. The object of the treaty was to remove, as far as practicable, all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed in the old Choctaw Nation, article fourteen was put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q You understand that now, do you not? A Yes sir, I think so.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Jackson.

Q He was what relation to you? A Great-grandfather.
Q How much Choctaw blood did he have? A One-half I think.
Q Did he live in Mississippi in 1830? A Yes sir.
Q Did he have a family there then? A Yes sir.
Q He was the head of a family in Mississippi in 1830? A Yes sir
Q Family history and tradition is it? A Yes sir.
Q How old would he be if living now? A I couldn't say. Suppose he would be up in years though.
Q Did your father live in Mississippi or Alabama? A My father? No sir; he moved from Tennessee; came from there to Texas.
Q Never lived in the old Choctaw Nation in Mississippi or Alabama?
A My grandfather did.
Q What was his name? A Thomas Jefferson Jackson.
Q Where did he live? A In Mississippi; born in Mississippi.
Q How old would he be if living now? A He's living; something near eighty-two years of age.
Q Then you know that he was living in Mississippi in 1830?
A Yes sir, he says he was.
Q Then that makes his father the head of a family? A Yes sir.
Q He claims through his father? A Yes sir.
Q His father's name was John Jackson? A Yessir.
Q That established testimony that John Jackson was in Mississippi and the head of a family in 1830? A Yes sir.
Q And possessed of one-half Choctaw blood? A Yes sir.
Q Did any of your Choctaw ancestors own improvements on land in Mississippi or Alabama in 1830? A Why my great-grandfather owned a place there in Mississippi.
Q Did he get it from the government or buy it? A I couldn't say
Q You don't know that he got it underarticle fourteen?
A Not for certain, but I think he did.
Q What makes you think he did? A Why, from what my uncles have told me--that he signed the pay roll there at some point--that he owned a farm, and grandfather was so young that he didn't remember what became of it.
Q Did he or any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know for certain that they did.
Q Did any of your Choctaw ancestors, within six months from the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, who had an Agency in Mississippi then, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A I am not able to say at present whether they did or not.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation west of the Mississippi with the other Indians between 1838 and '40?
A Not that I know of.

The Indians who stayed back in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified, refusing to go to the Indian Territory, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register, and his neglect

to do so caused a good many Indians who held land in Mississippi to lose both their land and the improvements on it. The government took both from them and sold them at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, another Commission was appointed by Congress for the same purpose, and this Commission went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A I am not able to say for certain.
Q Did you ever hear that any of them did? A No, I cant say that I have directly. I have heard something of the kind but I cant call it to memory now.
Q Well if any of your ancestors went to Colonel Ward in 1831 and didn't get what they went for--which was property demanded for rights under article fourteen, they might later have gone to the Commission in 1837 or '42 seeking those rights which had been denied them in 1831; and you say you never heard anything about that? A No sir, I couldn't say.
Q Did any of your ancestors get scrip which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they had formerly occupied in Mississippi and which the government had taken from them and sold? A I have no knowledge of it if they did.
Q Who is Francis M. Jackson? A My father.
Q He has made application here to be identified as a Mississippi Choctaw? A Yes sir.
Q Who is Levin T. Jackson? A That's my brother.
Q He has also appeared on this date to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you want to have the cases of relatives who have appeared before the Commission consolidated with your case? A Yes sir.

The application of Francis M. Jackson, M.C.R. 4490, is here referred to for the purpose of consolidation.

Q Have you any further evidence you want to introduce? A No sir.
Q Do you want time to introduce more testimony? A We would like to.

Reasonable time will be allowed this applicant in which to introduce further testimony in support of his application.

Q Do you speak Choctaw? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, has blue gray eyes, somewhat dark color which is due largely to tan and

some to natural complexion of the skin, dark brown hair, reddish cheek. Doesn't speak the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 2nd day of May, 1902.

Notary Public.

COPY

M.C.R. 8395.

Muskogee, Indian Territory, July 23, 1902.

John A. Jackson,

Wilburton, Indian Territory.

Dear Sir:

You are hereby advised that on the 23d day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis M. Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Francis M. Jackson,	M.C.R.	4490
Levin T. Jackson, et al.,	"	8394
John A. Jackson, et al.,	"	8395
James Francis Jackson, et al.,	"	8396
Jefferson C. Jackson, et al.,	"	8397

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

J A J 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis M. Jackson, Levin T. Jackson, Justus Jackson, Elmer Jackson, John A. Jackson, Roy F. Jackson, James Francis Jackson, Susan J. Jackson, Ollie Jackson, Andrew Jackson, Mary Jackson, Jefferson C. Jackson, Cora F. Jackson, Chester Jackson and Harry Jackson as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

T. B. Needles,
Commissioner in Charge.

Registered.

M. C. R. 5398

COPY

Muskogee, Indian Territory, September 8, 1902.

John L. Jackson,

Wilburton, Indian Territory.

Dear Sir:

You are hereby advised that on the 23d day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis M. Jackson, et al., of which decision you were advised by registered mail on the 23d day of July, 1902.

Yours truly,

Tams Bixby.

Acting Chairman.

S. A. R. 7578

Muskogee, Indian Territory, December 15, 1902.

John A. Jackson,

Wilburton, Indian Territory.

Dear Sir:

There is inclosed herewith certified copy of marriage record between John A. Jackson and Inzie A. Tomlin, which was returned to the Commission by the Secretary of the Interior with his letter of the 8th inst., with instructions that the same be forwarded to you.

Respectfully,

Acting Chairman.

Enc. MCB-22

No. 5395

For Identification as a Mississippi Choctaw.

Date APR 28 1902

Name John A Jackson

Age 31 — Blood 11/16

Post-Office, Wilburton, I. T.

Father: Francis M. Jackson, C.

Mother: Mary E. Jackson, C.

Claims through father —

wife (1) ~~Louella~~ Louella Jackson, Choctaw

wife (2) ~~Jinnie~~ INZIE A. Jackson

I. W.

no claim for wife —

Children:

Roy F. Jackson, 5

son of 2nd wife —

Claims for self & child by 2nd wife —

Stenographer A. G. McMillan

Choctaw MCR 5396

James F. Jackson

See MCR 4490

MCR 5396

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, I. T., APRIL 29,1902.

5396

In the matter of the application of James F. Jackson for identification of himself and his three minor children, Ollie Jackson, Andrew Jackson, and Mary Jackson, as Mississippi Choctaws, and for the identification of his wife, Susan J. Jackson, as a Mississippi Choctaw.

Applicants not represented by attorney.

James F. Jackson having been first duly sworn testified as follows:

Examination by the Commission.

Q. What is your name? A. James Francis Jackson.
Q. What is your age? A. Thirty.
Q. What is your post-office address? A. Wapanucka, I. T.
Q. How long have you lived at that place? A. About two months.
Q. Where did you live before you moved there? A. Utica, I. T.
Q. How long did you live there? A. Since 1891.
Q. Where did you live before that? A. In Fannin county, Texas.
Q. Where were you born? A. I was born in Tennessee and moved from there to Texas.
Q. And then you moved from Texas to Indian Territory? A. Yes, sir.
Q. Is your father living? A. Yes, sir.
Q. Is your mother living? A. Yes, sir.
Q. What is your father's name? A. Frankit M. Jackson.
Q. Has he made application to be identified as a Mississippi Choctaw? A. Yes, sir.
Q. How long ago? A. In January, about the 15th or 16th.
Q. What is your mother's name? A. Mary Elizabeth Jackson.
Q. Through which parent do you claim Choctaw blood? A. Through my father.
Q. How much blood do you claim? A. One-sixteenth.
Q. Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A. No, sir.
Q. Have you the proof of the marriage of your father and mother with you? A. No, sir.

Q. Can you introduce this proof later if given time? A. Think so.
(A reasonable time will be allowed the applicant in which to produce proof of the marriage of his father and mother.)
Q. Do you know whether this evidence has been filed in the matter of your father's application? A. No, I don't know.
Q. Are you married? A. Yes, sir.
Q. What is your wife's name? A. Susan J. Jackson.
Q. Is she living? A. Yes, sir.
Q. Is she a white woman or an Indian? A. She is a Choctaw.
Q. Do you want to make application for her? A. Yes, sir.
Q. What is the name of her father? A. Robert McCulley.
Q. Do you know how to spell it? A. M-c-C-u-l-l-e-y.
Q. How old is your wife? A. A. She is 24 years old.
Q. How much Choctaw blood does she claim? A. One-sixteenth.
Q. Is her father living? A. Yes, sir.
Q. Has he Choctaw blood? A. Yes, sir.

Q. How much? A. One-eighth.
Q. What is your wife's mother's name? A. I don't remember her full name.
Q. Is she living? A. Yes, sir.
Q. Is she a white woman? A. Yes, sir.
Q. Are the children that you want to make application for the children of your wife, Susan? A. Yes, sir.
Q. Then their blood would be one-half of what you both claim? A. Yes, sir.
Q. Has your wife's father ever been recognized or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
Q. What is the name of your oldest child? A. Ollie Jackson.
Q. How old is she? A. Seven years old.
Q. Next one? A. Andrew.
Q. How old is Andrew? A. He is five.
Q. Next? A. Mary.
Q. How old? A. Two years old.
Q. Is that all. A. That's all.
Q. Is your name or the names of your wife or any of your children on any of the rolls of the Choctaw Nation in Indian Territory? A. Not that I know of.
Q. When and where did you marry your wife, Susan? A. I married her in the Choctaw Nation in 1893.
Q. Do you remember the day or the month? A. I don't remember the date of the marriage.
Q. Were you married by a minister and under a license? A. Yes, sir.
Q. Have you the proof of your marriage with you? A. Yes, sir.
(Applicant produced marriage certificate.)
Q. Is this the original or a copy? A. It is the original.
(The original marriage certificate of J. F. Jackson and Miss Susan Jane McCulley is presented by applicant and is filed and marked "Exhibit A", and made a part of the record.)
Q. J. F. Jackson as appears in the license i s your name and the same as James F. Jackson, is it? A. Yes, sir.
Q. And the Susan Jane McCulley is your wife's name before you married her, is it? A. Yes, sir.
Q. Have you ever made application for yourself, your wife or your children, for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A. No.

Q. Have you ever made application for citizenship to the Commission to the Five Civilized Tribes, under the act of Congress of June 10, 1896, for yourself, your wife or your children? A. No, sir.
Q. Is this the first application you have ever made for the enrollment of yourself, your wife or your children, as citizens to any authorities whatever? A. It is the first.
Q. You have never been admitted with your wife and children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A. No, sir.
Q. Do you now come before the Commission for the purpose of identifying yourself, your wife and children, as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A. Yes, sir.
Q. Do you understand article fourteen of that Treaty of 1830? A. I think I do.
Q. You don't care to have it explained any further? A. I have heard it read and explained a number of times. I think I understand it.

Article fourteen of the treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitl ed to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. What is the name of your Choctaw ancestor through whom you claim as a Mississippi Choctaw? A. John Jackson.
Q. What relation was he to you? A. My great-grandfather.
Q. How much Indian blood did he have? A. He was a half blood.
Q. Did he live in Mississippi in 1830? A. According to his son's statement he did.
Q. It is a matter of family history then, that he did? A. Yes, sir. I only know what has been told me by my people.
Q. Did he speak the Choctaw language ? A. I never did see him; I don't know.
Q. Did he have an Indian name? A. I do not know.
Q. Did you ever hear that he had? A. No, sir.
Q. How old would he be if living now? A. I don't know.
Q. Do you claim through your father? A. Yes, sir.
Q. Where was he born? A. He was born in Mississippi.

Q. And then he moved where? A. He then went to Tennessee.
Q. Then where? A. To Texas from Tennessee.
Q. Where is he now? A. He now lives in Indian Territory.
Q. Do you know if any of your Choctaw ancestors lived in Mississippi in 1830 and had children or were the heads of families there? A. I only know what I have been told, that my great-grandfather John Jackson lived there then.
Q. What was his wife's name? A. I don't remember her name.
Q. Through whom does your wife claim the right to be identified as a Mississippi Choctaw? A. Through her father.
Q. Is that as far back as you can go for her ancestry? A. Through her grand-father.
Q. What was her gsand-father's name? A. McCulley. I cannot call his first name.
Q. That is the name of the grandfather of your wife? A. Yes, sir.
Q. Did he live in Mississippi in 1830 and have a family there? A. I do not know.
Q. Can't you give any information regarding the ancestors of your wife? A. No, sir.
Q. Can you tell how much blood he had? A. He was a half blood according to her father's statement.
Q. You know nothing further about him as a Choctaw Indian? A. I do not; no, sir.
Q. Did any of your ancestors or your wife's ancestors own or claim any land in Mississippi in the old Choctaw Nation under article fourteen of the Treaty of 1830? A. I don't know.
Q. Did any of your ancestors or your wife's ancestors ever within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Col. Ward, and tell him they wanted to stay back there, take lands and become citizens of the States? A. I don't know whether they did or not.
Q. Did any of your ancestors of the ancestors of your wife go from the old Choctaw Nation in Mississippi and Alabama between 1838 and 1838 and 1840 with other Indians to the Choctaw Nation in Indian Territory? A. I don't know.
Q. Did any of your ancestors or the ancestors of your wife ever own or claim any improvements, or claim any lands in Mississippi or Alabama under article fourteen of the treaty of 1830? A. I don't know.
Q. Did either your ancestors or your wife's ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A. I don't know that they did.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of that article, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of that treaty, and tell him they wanted to stay in Mississippi and take land there, and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as "Ward's Register.". His neglect to make a proper and complete record of all Indians who came before him caused a great many Indians in Mississippi to lose both their land and their improvements, for both were taken from them by the Government and sold. This caused a good many complaints among the Choctaw Indians, so that in 1837, by an act of March 3 of that year, Congress appointed a commission which went to Mississippi and heard claimants

under article fourteen of the treaty of 1830. In 1842 another commission was appointed by congress for the same purpose, by an act of congress approved August 23, of that year. This commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q. Did any of your ancestors or your wife's ancestors go before either of those commissions and claim benefits as Choctaw Indians under that article? A. Not that I know of.

The act of Congress of August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, and if it also further appeared that he had owned land in Mississippi, Alabama, Louisiana or Arkansas which the government had taken from him and sold, that he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. And these certificates were called scrip.

Q. Did any of your ancestors or your wife's ancestors ever receive any such scrip from the government as Choctaw Indians? A. I Could not say; not that I know of.
Q. Have you or your wife ever had any relatives who have been before this Commission to be identified as Mississippi Choctaws? A. My father was before the Commission.
Q. What is his name? A. Francis M. Jackson. I have a couple of brothers here who appeared just before me.
Q. You had two brother to appears before this Commission on the 28th day of April, didn't you? A. Yes, sir.
Q. Do you want the case of Francis M. Jackson, which is here referred to as No. 4490, and the applications of your two brothers who have applied for identification, all consolidated with your case, and all determined together? A. Yes, sir.
Q. Do you speak the Choctaw language? A. No, sir.
Q. Have you any other evidence you want to present before the Commission? A. No, sir.
Q. Do you care for any further time in which to furnish further evidence in this case? A. I would like time; yes, sir.

(A reasonable time will be allowed the applicant in which to produce further evidence in proof of his claim.)

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; medium fair complexion; light hair; rather sandy, and sandy moustache. He has no knowledge of the Choctaw language, and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on April 29, 1902; and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

S. A. Apple

Subscribed and sworn to before me this 30th day of April, 1902.

Notary Public

COPY.

M.C.R. 5396.

Muskogee, Indian Territory, July 23, 1906

James F. Jackson,

Wapanucka, Indian Territory.

Dear Sir:

You are hereby advised that on the 23d day of July, 1906, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis M. Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Francis M. Jackson,	M.C.R.	4490
Levin T. Jackson, et al.,	"	5394
John A. Jackson, et al.,	"	5395
James Francis Jackson, et al.,	"	5396
Jefferson O. Jackson, et al.,	"	5397

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

[redacted] this Commission that the [redacted] Creek by blood, [redacted] Thomas Jackson, Mary Anderson, Chester Jackson and [redacted] to rights in the [redacted] article fourteen [redacted] testimony for their [redacted] and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M. S. R. 3874

COPY.

Muskogee, Indian Territory, September 1, 1908.

James P. Jackson,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that on the 22d day of August, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis M. Jackson, et al., of which decision you were advised by registered mail on the 22d day of July, 1908.

Yours truly,

Tams Dixby,

Acting Chairman.

I.C.S. 5878.

Muskogee, Indian Territory, December 18, 1902.

James Y. Jackson,

Wapanucka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letters of the 23rd ultimo and the 6th instant, in which you ask if you can withdraw the application you made for the identification of your wife as a Mississippi Choctaw and have the same combined with that of her father, Robert McCulley.

In reply you are informed that the Secretary of the Interior having, on August 25, 1902, approved the decision of the Commission refusing the application made by you for the identification of yourself, your wife, Susan Jackson, and three minor children, as Mississippi Choctaws, the Commission considers the case closed.

You are further advised that in the case of Robert [illegible]. McCulley, the Commission, on July 18, 1902, rendered its decision refusing his application, and on the same date he was notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

On September 3, 1902, the Secretary of the Interior returned the record, together with the decision of the Commission in this case, with instructions that the applicant be granted an oppor-

tunity to introduce further evidence in support of his claim.

On December 10, 1908, the record in this case was again returned to the Secretary of the Interior together with report of the Commission recommending that its decision refusing this application be approved.

Respectfully,

Acting Chairman.

M. C. R. 8396

Muskogee, Indian Territory, December 15, 1902.

James F. Jackson,

Wapanucka, Indian Territory.

Dear Sir:

There is inclosed herewith certified copy of the marriage record between J. F. Jackson and Susan Jane McCulley, returned to the Commission by the Secretary of the Interior with his letter of the 8th instant, with instructions that the same be forwarded to you.

Respectfully,

Acting Chairman.

Enc: MCR-28

No. 5396

For Identification as a Mississippi Choctaw.

Date APR 29 [illegible]

Name James F. Jackson

Age 30 Blood 11/16

Post-Office, Wapanucka, I. T.

Father: Francis M. Jackson, l

Mother: Mary E, " l

Claims through father

wife. age 34 — blood 1/16

name, Susan J. Jackson, l.

Choc. Ind.

father Robert McCulley l. 1/8

mother — " l. w.

Children:

~~Choc~~ Ollie Jackson 7.

Andrew " 6—

Mary " 2

Claims for wife children and self

Stenographer S. A. Apple.

Choctaw MCR 5397

Jefferson C. Jackson

See MCR 4490

MCR 5397

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 29, 1902.

8397

In the matter of the application of Jefferson C. Jackson for the identification of himself, [illegible] and his two minor children, Chester Jackson and Harry Jackson, as Mississippi Choctaws, and for the identification of his wife, Cora F. Jackson, as a Mississippi Choctaw.

Applicants not represented by attorneys.

Jefferson C. Jackson having been first duly sworn testified as follows:

Examination by the Commission.

Q. What is your name? A. Jefferson C. Jackson.
Q. How old are you? A. I am twenty-six.
Q. What is your post-office address? A. Wapanucka, I. T.
Q. How long have you lived there? A. About three months.
Q. Where did you live before that? A. Utica, I. T.
Q. How long did you live there? A. Eleven years.
Q. Where were you born? A. In Tennessee.
Q. How long did you live in Tennessee? A. I left there when I was about a year old.
Q. Where did you then go? A. I went with my parents to Texas.
Q. Is your father living? A. Yes, sir.
Q. Is your mother living? A. Yes, sir.
Q. What is your father's name? A. Francis M. Jackson.
Q. What is your mother's name? A. Mary E. Jackson.
Q. You claim through which parent? A. My father.
Q. How much do you claim? A. One-sixteenth.
Q. Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A. No, sir. Not that I know of.
Q. Have you proof of the marriage of your father and mother? A. No, sir.
Q. Do you know when and where they were married? A. In Tennessee. I don't know the date.
Q. You can introduce proof of the marriage of your father and mother, if given time, can you? A. Yes, sir.

A reasonable time will be allowed the applicant in which to introduce this proof of marriage of his father and mother

Q. Are you married? A. Yes, sir.
Q. What is your wife's name? A. Cora F. Jackson.
Q. Is she living? A. Yes, sir.
Q. Is she a white woman or an Indian? A. She is Choctaw.
Q. Do you appear for her? A. Yes, sir.
Q. Is she related to your brother's wife? A. No, sir.
Q. How old is your wife? A. Twenty-one years old.
Q. Is she living? A. Yes, sir.
Q. Does she claim Choctaw blood? A. Yes, sir.
Q. How much blood does she claim to have? A. One-sixteenth.
Q. What was her father's name? A. Duke A. Jackson.
Q. What is her mother's nam e? A. Mollie E. Jackson.
Q. She claims Choctaw blood through which parent? A. Her father.
Q. How much does she claim?her father to have? A. One-eighth.
Q. Is he living? A. He was the last account I had, three months ago.
Q. Was her mother a white woman? A. Yes, sir.
Q. Is she living? A. Yes, sir.
Q. Have either your father of your wife's father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or the United States authorities in Indian Territory? A. Not that I know of.
Q. Have you any children you want to make application for. A. I have two.
Q. Give me the name of the oldest one? A. Chester Jackson.
Q. How old is Chester? A. Four years old.
Q. The name of the other one? A. Harry Jackson.
Q. How old is he? A. Fifteen months.
Q. Are you and your wife living together as husband and wife? A. Yes, sir.
Q. Neither of you were married before you married to each other? A. No, sir.
Q. Is she the mother of these two children for whom you make application? A. She is.
Q. Do you claim for them one-half of what you both have? A. Yes, sir.
Q. You apply for yourself, your wife, and your two children. A. Yes, sir.
Q. Is your name or the name of your wife or your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A. No, sir.
Q. Have you or your wife or your children ever been recognized as Choctaw Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A. No, sir.
Q. Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself, your wife or your children? A. No, sir.
Q. Have you ever made application for citizenship for yourself, your wife and children to the Choctaw tribal authorities, or to any other authority whatever? A. I have not.
Q. Do you now come before the Commission and make application for identification for yourself, your wife and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A. Yes, sir.
Q. You have never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, by the Choctaw tribal authorities, or by the United States Court in Indian Territory? A. No, sir.

Q. Are you married? A. Yes, sir.
Q. What is your wife's name? A. Cora F. Jackson.
Q. Is she living? A. Yes, sir.
Q. Is she a white woman or an Indian? A. She is Choctaw.
Q. Do you appear for her? A. Yes, sir.
Q. Is she related to your brother's wife? A. No, sir.
Q. How old is your wife? A. Twenty-one years old.
Q. Is she living? A. Yes, sir.
Q. Does she claim Choctaw blood? A. Yes, sir.
Q. How much blood does she claim to have? A. One-sixteenth.
Q. What was her father's name? A. Duke A. Jackson.
Q. What is her mother's nam e? A. Mollie E. Jackson.
Q. She claims Choctaw blood through which parent? A. Her father.
Q. How much does she claim?her father to have? A. One-eighth.
Q. Is he living? A. He was the last account I had, three months ago.
Q. Was her mother a white woman? A. Yes, sir.
Q. Is she living? A. Yes, sir .
Q. Have either your father of your wife's father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or the United States authorities in Indian Territory? A. Not that I know of.
Q. Have you any children you want to make application for. A. I have two.
Q. Give me the name of the oldest one? A. Chester Jackson.
Q. How old is Chester? A. Four years old.
Q. The name of the other one? A. Harry Jackson.
Q. How old is he? A. Fifteen months.
Q. Are you and your wife living together as husband and wife? A. Yes, sir.
Q. Neither of you were married before you married to each other? A. No, sir.
Q. Is she the mother of these two children for whom you make application? A. She is.
Q. Do you claim for them one-half of what you both have? A. Yes, sir.
Q. You apply for yourself, your wife, and your two children. A. Yes, sir.
Q. Is your name or the name of your wife or your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A. No, sir.
Q. Have you or your wife or your children ever been recognized as Choctaw Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A. No, sir.
Q. Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself, your wife or your children? A. No, sir.
Q. Have you ever made application for citizenship for yourself, your wife and children to the Choctaw tribal authorities, or to any other authority whatever? A. I have not.
Q. Do you now come before the Commission and make application for identification for yourself, your wife and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A. Yes, sir.
Q. You have never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, by the Choctaw tribal authorities, or by the United States Court in Indian Territory? A. No, sir.

Q. Do you understand article fourteen of the treaty of 1830? A. Yes, sir; I think I do.

It reads as follows, without the explanation:
"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. Did any of your Choctaw ancestors or your wife's Choctaw ancestors ever comply or attempt to comply with the provisions of that treaty? A. I dont know.
Q. You claim through what ancestor? A. My father.
Q. Go back further? A. A. My grand-father.
Q. What was his name? A. John Jackson. He was my great-grandfather.
Q. How much Choctaw blood did he have? A. One-half.
Q. Through whom did your wife claim? A. John Jackson.
Q. What relation is she to him. A. He was her great-grandfather.
Q. You and your wife are related then? A. Yes, sir.
Q. What relation are you to your wife? A. First cousin.
Q. Did John Jackson live in Mississippi in the old Choctaw nation in 1830? A. Ihave been told that he did.
Q. Did he have a family of children there? A. Yes, sir.
Q. He was a head of a family in Mississippi in 1830, then? A. According to what I have been told he was.
Q. It is a matter of family history and tradition? A. Yes, sir.
Q. Did any of your Choctaw ancestors or your wife's Choctaw ancestors own any improvements on any lands in Mississippi or Alabama in 1830? A. My great-grandfather owned lands there.
Q. Did he get it from the government? A. Idon't know whether he did or not.
Q. You do not know whether he claimed any lands back there in 1830 under the provisions of article fourteen of the treaty of 1830 or not, do you? A. Not for certain.
Q. Did any of your ancestors or your wife's ancestors ever within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay and take lands and become citizens of the States? A. I don't know.
Q. Did any of your or your wife's Choctaw ancestors ever go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory with the other Indians between 1833 and 1838 and 1840? A. I don't know.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of that treaty, and tell him that they wanted to stay in Mississippi, take lands there and become citizens of the states. A great many Indians did this whose names Col. Ward failed to put upon his list, known as "Ward's Register". His neglect to make a proper and complete record of the Indians who came before him caused a good many of them to lose both their land and improvements, which were taken from them by the government and sold. This caused a great many complaints among the Indians, so that Congress in 1837 by an act appointed a commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. Another commission was appointed by congress in 1842, by an act approved August 23rd of that year, for the same purpose. Both of these commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830 and made lists of names.

Q. Did any of your or your wife's ancestors go before either one of those commissions and claim benefits under article fourteen of the treaty of 1830? A. I don't know.

In 1842 scrip was issued to the Choctaw Indians who came before the Commission at that time and claimed benefits under article fourteen of the treaty of 1830, and who had had lands in the old Choctaw Nation taken from them by the Government and sold; and this scrip entitled them to take lands either in Mississippi, Alabama, Louisiana or Arkansas, from vacant government lands in place of that that had been taken from them.

Q. Did any of your or your wife's ancestors receive any of this scrip from the government? A. I can't say whether they did or not.
Q. Your father's name was Francis M. Jackson? A. Yes, sir.
Q. Was he ever before the Commission for identification as a Mississippi Choctaw? A. Yes, sir; he has applied.
Q. Would you like to have the application for yourself, your wife and children consolidated with his case and all others who claim under the same common ancestor, under his number which is here referred to as No. 4490? A. Yes, sir.
Q. Do you speak the Choctaw language? A. No, sir.
Q. Would you like further time in which to introduce other evidence in support of your application? A. I would like a little time.

A reasonable time will be given you in which to introduce further evidence in support of your application.

Q. Is there anything further you want to say now in support of your application? A. Nothing.

The marriage license and certificate of marriage of J. C. Jackson and Miss Cora F. Jackson is herewith filed, makked "Exhibit A", and made a part of the record in this case.

Q. The names given in this license are the names of yourself and your wife, are they? A. Yes, sir.

This applicant has the physical appearance and characteristics of being descended from white parents. He has blue eyes, dark brown hair, and light brown mustache, and his complexion is medium fair. He does not speak or understand the Choctaw language and has no knowledge of any compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing proceedings on April 29, 1902; and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

S. A. Apple

Subscribed and sworn to before me this May, 1, 1902.

Notary Public.

COPY.

M.C.R. 6397.

Muskogee, Indian Territory, July 23, 1902.

Jefferson C. Jackson,

Wapanucka, Indian Territory.

Dear Sir:

You are hereby advised that on the 23d day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis M. Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Francis M. Jackson,	M.C.R.	4490
Levin T. Jackson, et al.,	"	5394
John A. Jackson, et al.,	"	5395
James Francis Jackson, et al.,	"	5396
Jefferson C. Jackson, et al.,	"	6397

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis M. Jackson, Levin T. Jackson, Justus Jackson, Elmer Jackson, John A. Jackson, Roy W. Jackson, James Francis Jackson, Judah J. Jackson, Ellis Jackson, Andrew Jackson, Mary Jackson, Jefferson D. Jackson, Cora F. Jackson, Chester Jackson and Harry Jackson as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be rejected, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M. C. R. 9207

COPY.

Muskogee, Indian Territory, September 9, 1902.

Jefferson C. Jackson,

Wapanucka, Indian Territory.

Dear Sir:

You are hereby advised that on the 23d day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis M. Jackson, et al., of which decision you were advised by registered mail on the 22d day of July, 1902.

Yours truly,

Tams Bixby.

Acting Chairman.

Miss.Choctaw R5397

Muskogee, Indian Territory, October 16, 1902.

Jefferson C. Jackson,

Gainesville, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 14, 1902, requesting the return of your marriage certificate which was filed in support of your application for the identification of yourself and your children as Mississippi Choctaws.

You are hereby advised that the record in this case is now with the Secretary of the Interior, and requests for the return of any part thereof should be made to the Secretary of the Interior, at Washington, D. C.

Respectfully,

M.C.R. 5397

Muskogee, Indian Territory, December 3, 1902.

[redacted]

Tahlequah, Indian Territory.

Dear Sir:

Referring to your letter of the 30th ultimo, in which you state that you have been advised by the Secretary of the Interior that the marriage certificate filed by you in support of your application for identification as a Mississippi Choctaw has been returned to the Commission.

In reply you are informed that your marriage license was forwarded to the Secretary of the Interior on June 19, 1902, with the record in this case, and the Commission has no record showing that the same has been returned.

Respectfully,

Acting Chairman.

No. 5357

For Identification as a Mississippi Choctaw.

Date APR 29 1902

Name Jefferson C. Jackson

Age 26 Blood 1/16

Post-Office. Wapanucka I.T.

Father: Francis M. Jackson. l

Mother: Mary E. " — l

Claims through father. —

Wife Cora A. Jackson l. ✱

Wife. Age, 21 Choc. Sild. —

name Blood 1/16

father. W.A. Jackson. 1/8 l.

mother. Mollie E. " w. l.

Children:

Chester Jackson; 4

Harry " 15-m.

Claims for self wife & children

Stenographer S.A. Apple.

Choctaw MCR 5398

John D. Savage

See MCR 2737

MCR 5398

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 28, 1902.

S298

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In the matter of the application of John D. Savage for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

John D. Savage being first duly sworn testified as follows:

Examination by the Commission.

Q. What is your name? A. John D. Savage.
Q. How old are you? A. I am fifty-two.
Q. What is your post-office address? A. Atoka, Ind. Ter.
Q. How long have you lived in the Indian Territory? A. Twelve years. I have been here longer than that.
Q. Where did you live before you came to Indian Territory? A. In Texas.
Q. Where did you live before you lived in Texas? A. In Mississippi.
Q. You [illegible] to Texas from Texas to Indian Territory? A. Yes, sir.
Q. Where were you born? A. I was born in Tennessee, but right on the Mississippi line. It was in West Tennessee.
Q. How long did you live there? A. Until 1859.
Q. You then went to Texas? A. Yes, sir.
Q. Then moved to Indian Territory? A. Yes, sir.
Q. Is your father living? A. He was a few days ago.
Q. Is your mother living? A. No, sir.
Q. What is your father's name? A. A. William H. Savage.
Q. What was your mother's name? A. Elizabeth Savage.
Q. Through which parent do you claim Choctaw blood? A. My mother.
Q. How much do you claim? A. One-fourth.

Q. Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A. I don't know whether she was ever enrolled in Mississippi or not.
Q. Has she ever been in Indian Territory? A. No, sir.
Q. Are you married? A. Yes, sir.
Q. What is your wife's name? A. Sallie Savage.
Q. Is she living? A. Yes, sir.
Q. Is she an Indian or a white woman? A. She is a Choctaw.
Q. Has she ever made application for identification or enrollment? A. Yes, sir.
Q. When did she make application? A. June 27, 1901.
Q. Did she apply for any one else? A. She applied for herself and children.
Q. Where did she appear before the Commission? A. At Atoka.
Q. Didn't she apply also for you? A. No, sir.
Q. Do you know why she did not? A. I told her not to, because I wanted to wait for my brother and make application with him, but he has never come and I decided I would not wait any longer.
Q. Youare now making application for yourself alone? A. Yes, sir.
Q. Your wife applied for the children? A. Yes, sir.
Q. Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No, sir.
Q. Have you ever made application for enrollment as a member of the Choctaw Tribe of Indians in Indian Territory to the Choctaw tribal authorities or the United States authorities in Indian Territory? A. No, sir.
Q. Have you ever applied to the Dawes Commission or to the United States Court in Indian Territory for admission to citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A. No, sir.
Q. Have you ever at any time made application to any authority whatever for citizenship in the Choctaw Nation? A. No, not before this time.
Q. Have you ever been admitted to citizenship in the Choctaw Nation, by the Choctaw tribal authorities, by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A. No, sir.
Q. Do you now come before the Commission to identify yourself as a Mississippi Choctaw, claiming under article fourteen of the treaty of 1830? A. Yes, sir.
Q. Do you understand that article of that treaty? A. I have heard it explained here a good many times yesterday. I think I understand it.

The article fourteen of that treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to

become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. Do you think you understand that article? A. Yes, sir.
Q. Did any of your ancestors comply or attempt to comply with the provisions of article 14 of the treaty of 1830? A. I don't know. My mother's father was enrolled in 1835.
Q. What is the name of the ancestor through which you claim the right to be identified as a Mississippi Choctaw? A. William Henson.
Q. Hinsen? A. H-e-n-s-o-n is my way of spelling it.
Q. How much Choctaw Indian blood did he have? A. He must have been nearly a full blood, or three-quarters or something like that. My mother always said she was a half blood.
Q. What was her father's name? A. William Henson was her father.
Q. Did your mother live in Mississippi in 1830? A. She lived in the western part of Tennessee. Away back she lived in Mississippi near the line, but a new line was run and it put her on the Tennessee side.
Q. Was that line run through after the treaty of 1830? A. I guess it was.
Q. Did your grandfather live in Mississippi in 1830? A. He lived on the north side of that line, in Tennessee.
Q. Do you think at that time or in the year following that your grandfather lived in what was then known as a part of Mississippi, do you thin k that was before the line was put through? A. I don't know when t he line was put through.
Q. Can you give me the names of any of your Choctaw ancestors who lived in Mississippi or Alabama in 1830 and was the heads of families there. A. My grandfather had a family at that time.
Q. But the question is, did he live in Mississippi or Alabama in the old Choctaw Nation? A. I don't know.
Q. Did any of your Choctaw ancestors own any land or any improvements on any lands in Mississippi and Alabama in 1830? A. I don't know whether they did or not.
Q. Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Col. Ward, and tell him they wanted to stay and take lands and become citizens of the States? A. I don't know.
Q. Did any of your Choctaw ancestors own any improvements on any lands in Mississippi or Alabama in 1830? A. I don't know.
Q. Did any of your ancestors go with other Indians from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory between 1833 and 1838 and 1840? A. I don't know. Some of them came west, but they were my cousins.
Q. Did any of your ancestors go from the old Choctaw Nation to the Indian Territory at that time? A. No, sir.

The Choctaw Indians who stayed back in Mississippi after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent, Col. Ward, within six months after that treaty was ratified, and tell him that they wanted to stay, take lands and become citizens of the States. A great many Choctaw Indians did this whose names Col. Ward failed to put upon his list, known as "Ward's Register". His neglect to make a proper and complete record of all Indians who came before him caused a great many Indians in Mississippi to lose both their lands and improvements, for both were taken from them by the Government and sold. This caused a good many complaints among the Choctaw Indians,, so that in 1837, on March 3rd of that year, congress appointed a commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 congress by an act of August 23rd of that year, appointed another commission for the same purpose. Both these commissions heard claimants in Mississippi under article fourteen of the treaty of 1830; and made lists of such names.

Q. Did any of your Choctaw ancestors go before either of these commission and claim benefits under article fourteen of the treaty of 1830? A. I don't know.

The act of Congress of August 23, 1842, provided that all those Choctaw Indians who remained and claimed benefits under article fourteen and had their lands taken from by the government and sold should have other lands in their place, to be taken from the vacant government lands in Mississippi, Alabama, Louisiana and Arkansas. Certificates were issued to such Choctaw Indians, and these certificates were called scrip.

Q. Did any of your Choctaw ancestors receive any such scrip? A. Not that I knew of.
Q. Have you any relatives aside from your wife and children who have made application to be identitified as Mississippi Choctaws? A. No, sir.
Q. What is your wife's full name? A. Sarah Angeline Savage.
Q. Did she give her name in as Sarah or Sallie? A. As Sallie.
Q. Are these the only relatives you have had who made application before this Commission? A. Yes, sir.
Q. Do you like for your case to be taken together and considered with your wife's and your children's? A. Yes, sir.
Q. It will be consolidated with theirs and known as case No. 2737. The number of the case of Sallie Savage, et al., is here referred to as No. 2737.
Q. Neither you nor your wife have ever made application for enrollment until she appeared at Atoka and you here? A. No, sir.
Q. Do you want any more time in which to introduce other testimony? A. No, sir.
Q. Do you know Lula Hopkins? A. She is my daughter.
Her case is referred to as No. 2738.
Q. Do you know Travina Brashears? A. She is also my daughter.
Her case is here referred to as No. 2739.
Q. Who is Marion M. Savage? A. He is my son.
This case is referred to as No. 2740.
Q. Who is Nancy Parkins? A. My half sister. I mean my wife's half sister.
Her case is refrred to as No. 2741.

Q. Who is Willie McClung? A. She is my wife's half sister. Her case is referred to as No. 2742.
Q. Do you know any other relatives besides those here referred to who have made application to be identified as Mississippi Choctaws? A. No, sir.
Q. Do you think that is all of your relatives who have made application before the Commission? A. All that I know of.
Q. Do you speak or understand the Choctaw language? A. No, sir.
Q. Do you want to say anything more in support of your application? A. I reckon not.

This applicant has the appearance and physical characteristics of being descended from white parents; except that he has a ruddy skin, which does not seem to be altogether the result of exposure to the weather. He has blue eyes, dark brown hair, and light brown mustache; and he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on April 29, 1902; and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

S A Apple

Subscribed and sworn to before me this 2nd day of May, 1902.

Notary Public.

M C R 2230.

Muskogee, Indian Territory, August 14, 1903.

J. D. Savage,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th inst., in which you state that you have been before the Commission and want to know if you are too late to furnish other evidence in support of your claim; that you know an old white woman who knew all of your people and knows that they are Indians. In conclusion, you ask if her evidence will be sufficient, and refer to Mississippi Choctaw case No. 2737.

In reply, you are informed that the records of the Commission show that you are an applicant for identification as a Mississippi Choctaw, having made such application on April 28, 1903.

Your case has been consolidated with the case of Sallie Savage, M.C.R. 2737, and certain other persons, claiming descent from the same common ancestor, William Benson.

At the time you made your application, you stated in answer to a question that you did not desire further time in which to introduce additional evidence in your case.

The Commission, presuming that it was not your intention to further prosecute such rights as you might have as a Mississippi Choctaw, has taken up your application and the applications of the other persons included in the consolidated case of Sallie Savage, et al., for final consideration and decision, of which decision when rendered the several interested applicants will be duly advised, and of the forwarding of the record in the case to the Secretary of the Interior for his review.

The Commission in the identification of Mississippi Choctaws under the authority vested by the provision of the 21st section of the act of Congress approved June 28, 1898, requires that applicants reasonable demonstrate the fact that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830 or were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

Article fourteen of the treaty of 1830 was read and explained to you at the time you made application, and you stated that you understood its provisions; and unless

[illegible]

[illegible] evidence you wish to submit in support of the claims of the colored applicants in this connection) must serve to meet such requirements, it is our belief that the evidence of the persons you mention would be of material benefit to your case.

Very truly,

Acting Chairman.

M.C.R. 5398.

COPY.

Muskogee, Indian Territory, February 10, 1903.

John D. Savage,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie Savage, et al., embracing the following applications for identification as Mississippi Choctaws:

Sallie Savage,	M.C.R. 2737,
Lula Hopkins, et al.,	M.C.R. 2738,
Triona Breshears, et al.,	M.C.R. 2739,
Marion M. Savage,	M.C.R. 2740,
Nancy Parker, et al.,	M.C.R. 4621,
Willie McClung, et al.,	M.C.R. 4622,
John D. Savage,	M.C.R. 5398,
Birdie Danner, et al.,	M.C.R. 5515,
Mattie Danner,	M.C.R. 5516.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie Savage, Lula Hopkins, Roy Hopkins, Ida Hopkins, Cora Hopkins, Floyd Hopkins, Triona Breshears, Earl Breshears, Pearly Breshears, Marion M. Savage, Nancy Parker, Thomas Parker, Alpha

Parker, Henry Parker, Jettie Parker, Willie McClung, Charlie McClung, Melvin McClung, John D. Savage, Birdie Danner, John Danner, Emma Danner, Lee Danner, Ernest Danner, Roy Danner, Fred Danner and Mattie Danner, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

Registered.

M.C.R. 5398.

Muskogee, Indian Territory, March 4, 1903.

John D. Savage,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23d ultimo, in which you state that you have received a letter from the Commission notifying you of the refusal of the several applications for identification as Mississippi Choctaws included in the consolidated case of Sallie Savage, et al.; and that you will furnish "more proof" in the case.

Replying to your letter, you are informed that the 15 days from February 10, 1903, heretofore granted the applicants in this case within which to file arguments in support of their claim, to be forwarded to the Secretary of the Interior, expired February 25, 1903.

February 26, 1903, the record in the case, together with the decision of the Commission, was transmitted to the Secretary of the Interior. Pending action thereon by him, the Commission cannot receive or consider further evidence.

J D S 2

You will be duly notified of such action as may be taken by the Secretary.

Respectfully,

Chairman.

M.C.R.6398.

COPY.

Muskogee, Indian Territory, April 8, 1903.

John D. Savage,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sallie Savage, et al., of which decision you were advised by registered mail on the 10th day of February, 1903.

Respectfully,

(SIGNED).

Tams Bixby.

Chairman.

M C R 5398

Muskogee, Indian Territory, July 10, 1903.

John D. Savage,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to re-open the application made by you for identification as a Mississippi Choctaw, was denied by the Department on July 1, 1903, a copy of the Secretary's letter is herewith enclosed.

Respectfully,

Commissioner in Charge.

McM 36

MCR 5398

Muskogee, Indian Territory, September 21, 1905.

John D. Savage,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the motion filed with the Department for a rehearing in the consolidated Mississippi Choctaw case of Sallie Savage, et al., of which your application is a part, was denied by the Secretary of the Interior on September 14, 1905, as said motion fails to present any matter that has not already been considered in the adjudication of the case.

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date APR 29 1902

Name: John W. Savage

Age 52 Blood 1/4

Post-Office, Atoka, I. T.

Father: William H. Savage, C.

Mother: Elizabeth " d

Claims through—mother ——

wife. Sallie —— C. choc.

(Wife made app. for self & children as Mis. choc's at Atoka June 27 1901)

Children:

Claims for self alone

Stenographer E. A. Apple.

Choctaw MCR 5399

Martha Hickerson

See MCR 6351, 5400

MCR 5399

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Martha Hickerson, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Martha Hickerson, et al.,	M.C.R. 5399
Zeno Hickerson, et al.,	M.C.R. 5400
Mattie M. Brown,	M.C.R. 6351

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

	Page
Original application of Martha Hickerson, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Original application of Zeno Hickerson, et al., to the Dawes Commission for identification as Mississippi Choctaws	6
Marriage Certificate of Zeno Hickerson and Miss Maggie Collins	11
Original application of Mattie M. Brown for identification as a Mississippi Choctaw	12
Decision of the Commission refusing the applications of Martha Hickerson, et al., for identification as Mississippi Choctaws	17

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 29, 1902.

M S - 8299

In the matter of the application of Martha Hickerson for the identification of Herself, and her seven minor children, Rosco Hickerson, Maggie Hickerson, Cosleas Hickerson, Ulysses Hickerson, Lillie Belle Hickerson, Marly Hickerson and Ollie Hickerson as Mississippi Choctaws.

Applicant not represented by Attorney.

Martha Hickerson having been first duly sworn testified as follows:

Examination by the Commission.

Q. What is your name? A. Martha Hickerson.
Q. How old are you? A. [illegible]
Q. What is your post-office address? A. Ellis, Freestone County, Texas.
Q. How long have you lived in Texas? A. About thirty-seven years.
Q. Where were you born? A. In Memphis, Tenn.
Q. Were you a slave? A. Yes, sir.
Q. Your father and mother slaves? A. My mother was a slave; I don't know whether my father was a slave or not.
Q. Where were you born? A. In Memphis.
Q. When did you go when you left Tennessee? A. Went from there to Arkansas.
Q. When [illegible] did you go? A. I went from Arkansas to Texas.
Q. Have you lived there ever since? A. Yes, sir.
Q. What was your father's name? A. Louis Bogmett.
Q. Is he living? A. I don't know.
Q. Is your mother living? A. No, sir; she is dead.
Q. What was her name? A. Betsy Robinett.

Q. Through which parent do you claim Choctaw blood? A. My father.
Q. How much Choctaw blood did your father have? A. My mother said he was a full blood.
Q. Then you claim to be one-half? A. Yes, sir.
Q. Was your father a slave at any time? A. I don't know, but the white people brought him from Mississippi to Memphis.
Q. Did he have to go where the white people wanted him to? A. Yes, sir. They brought him there from Mississippi.
Q. How did that happen that he and your mother married in Memphis? A. The white people brought him there, and he and my mother married there in Memphis.
Q. Was Betsey a slave? A. Yes, sir.
Q. A full blood negro? A. Yes, sir; she was a black woman.
Q. Your father and mother were married, you say? A. Yes, sir.
Q. Were they married by a minister under a license? A. She was lawfully married.
Q. When was she married? A. I cannot tell; it was before the war.
Q. Was it while she was a slave? A. Yes, sir.
Q. They did not have any marriages then, did they? A. Yes, sir.
Q. They were not married under a license then, were they? Was n't it done by the permission of the masters. A. She said she was lawfully married.
Q. Do you know whether she was married by a minister? A. I don't know.
Q. Are you married? A. Yes, sir.
Q. What is the name of your husband? A. Willis Hickerson.
Q. Is he a white man or a black man? A. Black man.
Q. He is a colored man, is he? A. Yes, sir.
Q. Do you make any claim for him as a Choctaw? A. No, sir.
Q. Give me the name of your oldest unmarried child, under twenty-one years old, for which you want to make application? A. My oldest one is a boy; his name is Hosea Hickerson.
Q. How old is Hosea? A. He is twenty.
Q. Give me the next one? A. Maggie Hickerson.
Q. How old is she? A. She is fourteen years old.
Q. What is the name of the next one A. Useless.
Q. How old is he? Twelve years old.
Q. The next one? A. Ulyssus Hickerson.
Q. How old? A. Nine years old.
Q. What is the name of the next one? A. Lillie Belle.
Q. How old is she? A. Eight.
Q. The next one? A. Early.
Q. What is the age of Early? A. Six years old.
Q. The next one? A. Ollie Hickerson.
Q. How old is she? A. She is four.
Q. Is Ollie a girl? A. Yes, sir.
Q. What is the name of the next one? A. That is all. I got a little grand-child I would like mighty well to put in.
Q. Is her mother living? A. Yes, sir.
Q. The rules require that unless you are the natural or legal guardian you cannot make application for it. Its own mother will have to appear for it.
Q. Is Willis Hickerson the father of these children whose names you have given? A. Yes, sir.
Q. Are you and your husband living together at your home and these children with you? A. Yes, sir.
Q. You are supporting these children, and they are living with you most of the time? A. Yes, sir.

Q. Were you and your husband or either of you ever married to any one before you married each other? A. No, sir.
Q. Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No, sir.
Q. Have you ever made application for citizenship in Indian Territory to the Choctaw tribal authorities or to the United States authorities? A. No, sir.
Q. Did you ever make application for the enrollment of yourself and your children to the Dawes Commission, before this time, under the act of Congress of June 10, 1896? A. No, sir.
Q. You have never made application for the enrollment of yourself and children to any authorities whatever, then? A. No, sir.
Q. Have you ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A. No, sir.
Q. Do you come before the Commission at this time and ask to be identified with your children, claiming rights under article fourteen of the treaty of 1830? A. Yes , sir.
Q. You claim under article fourteen of the treaty of 1830? A. Yes, sir.
Q. Do you understand that article? A. Yes, sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and becomes citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of a family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. Do you know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A. I don't know.
Q. What is the name of your ancestor through whom you claim to be identified as a Mississippi Choctaw? A. I claim through my father.
Q. What is your father's name? A. Louis Bennett.
Q. How much Choctaw blood did he have? A. My mother always said he was a full blood.
Q. Is he living? A. I don't know.

Q. You don't know whether he is dead or alive? A. I have not seen him since I was six years old. I don't know.
Q. How old would he be if he were living now? A. I don't know.
Q. Did he live in the old Choctaw Nation in Mississippi and Alabama? in 1830? A. Yes, sir. They always said so.
Q. Did he have a family there? A. I don't know.
Q. Did you ever hear himsay that he lived in Mississippi in 1830 and had a family there? A. I don't know.
Q. How do you know he lived in Mississippi? A. He alwayssaid, or I always heard that he came from Mississippi to Tennessee.
Q. Did you hear that he lived in Mississippi in 1830---that was 72 years ago? A. I never heard any certain time that he lived there. I don't know when it was.
Q. You never heard that he was the head of a family in Mississippi in 1830 ? A. No, sir.
Q. Do you ever hearthat he lived in Alabama? A. No, sir.
Q. Did he or any of your Choctaw ancestors own any land or improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830 A. Not that I know of.
Q. Did he or any of your ancestors ever go to Col. Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830. and tell him that they wanted to stay and take lands and become citizens of the States? A. None that I know of.
Q. Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River with other Indians to the Choctaw Nation in Indian Territory between 1833 and 1838 and 1840? A. I don't know.
Q. Did any of your Choctaw ancestors own any lands or improvements in Mississippi or Alabama under the article fourteen of the treaty of 1830? A. Not that I know of.

The mebers of the Choctaw Tribe of Indians who stayed back in Mississippi and Alabama and refused to go to the Choctaw Nation in Indian Territory with the other Indians were required, if they wanted to take advantage of the providons of article fourteen of the treaty of 1830, to go to Col. Ward, the Indian Agent there, and tell him that they wanted to stay, take lands and become citizens of the States. A great many Choctaw Indians did this whose names Col. Ward failed to take and put upon his list, known as "Ward's Register". His neglect to make a complete and proper record of all Indians who came before him caused a great many Choctaw Indians in Mississippi to lose both their lands and improvements, for both were taken from by the government and sold. As a result of these wrongs inflicted upon the Choctaw Indians a great many of them became dissatisfied and made complaints, so in 1837, on the 3rd day of March of that year, congress appointed a commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, on the 23rd day of August of that year, congress appointed another commission, for the same purpose. These commissions both went to Mississippi and heard claimants under article fourteen of the treaty of 1830 and made a list of the names of those who came before them.

Q. Do you know whether any of your ancestors ever went before either of these commissions and olaimed benefits under article fourteen of the treaty of 1830? A. No, sir.

Q. Did any of your Choctaw ancestors receive any scrip from the government which entitled them to take lands from the vacant lands in Mississippi, Alabama, Arkansas or Louisiana, in place of those which had been taken from them by the government and sold? A. Not that I knew of.

Q. This scrip was issued under an act of Congress of August 23, 1842, and provided that any Choctaw Indians who proved that they had had lands in the Old Choctaw Nation taken from by the government and sold as a result of the failure of Col. Ward to make a record of their names, would be entitled to receive other lands from the government in the place of such lands as were taken from them---do you know if any of your ancestors received any such scrip? A. No, sir.

Q. Have you any other relatives who have appeared before the Commission for identification as Mississippi Choctaws? A. No, sir

Q. None of your kin have been here, have they? A. No, sir.

Q. Do you speak or understand the Choctaw language? A. No, sir.

Q. You said you didn't know whether your father was a slave? A. Well, all I know is, the white people brought him from Mississippi to Memphis, but of course I don't know.

Q. Did the white folks steal him and carry him to Memphis? A. Yes, sir; they stole him. That's I heard.

Q. You don't speak the Choctaw language, dod you? A. No, sir.

Q. Have you any other evidence you want to introduce in support of your application? A. No, sir.

Q. You don't want any more time in which to introduce other evidence, do you? A. No , sir.

This applicant has the appearance and physical characteristics of being descended from black and Indian blood. Her hair is black, long, and straight. It seems to the Commission that her hair has the characteristics of the Indians. Her color is such that the Commission is in doubt as to whether it indicates Choctaw blood or whether her features are those of the negro and Indian. Her features show that there is undoubtedly a mixture of blood in this applicant., which she claims is negro and Choctaw Indian. She claims one-half and her appearance does not show to the Commission that she has that much, but she may possibly possess a little Indian blood. She does not understand or speak the Choctaw language. She claims that her mother was a slave, and that her father was stolen by white people and kept as a slave. The commission would suggest that in almost every case where it is claimed that one parent is part Indian and the other a slave that the parent who had the Indian blood was stolen and made a slave. She has no knowledge of a compliance on the part of her ancestors with the provisions ofarticle 14 of the treaty of 1830.

S. A. Apple, being sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on April 29, 1902; and that the above is a true, correct and full transcript of his stenographic notes in same.

S. A. Apple

Subscribed and sworn to before me this May 3, 1902.

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

------o------

In the matter of the application of Martha Hickerson, et al., for identification as Mississippi Choctaws, consolidating the applications of:-

Martha Hickerson, et al.,	M.C.R. 5399
Zeno Hickerson, et al.,	M.C.R. 5400
Mattie M. Brown,	M.C.R. 5351

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Martha Hickerson for herself and her seven minor children, Hosea, Maggie, Useless, Ulysses, Lillie Bell, Early and Ollie Hickerson; by Zeno Hickerson for himself and his minor child, Zeno Hickerson, Jr.; and by Mattie M. Brown for herself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats.495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the testimony that the principal applicant was born of a slave mother prior to the Emancipation Proclamation and was herself a slave, and that the other applicants are her lineal descendants, and it does not appear from the records in the possession of the Commission that any one of the applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Martha Hickerson, Hosea Hickerson, Maggie Hickerson, Useless Hickerson, Ulysses Hickerson, Lillie Bell Hickerson, Early Hickerson, Ollie Hickerson, Zano Hickerson, Zano Hickerson Jr. and Mattie M. Brown as such should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED). Tams Bixby.
Acting Chairman

(SIGNED). T. B. Needles.
Commissioner

(SIGNED). C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory
JAN 14 1903

January 7 1903

Received one copy of testimony in the case of

Martha Henderson and M.C.K. 5399.

A.M.K.

Martha Henderson.
present Post Office
address is.
Muskogee, I. T.
C. H. Sawyer
SP answer

JAN 8 - 1903

COPY.

M.C.R. 5399

Muskogee, Indian Territory, January 15, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Hickerson, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Hickerson, et al.,	M.C.R. 5399
Zeno Hickerson, et al.,	M.C.R 5400
Mattie M. Brown,	M.C.R. 6351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Martha Hickerson, Hosea Hickerson, Maggie Hickerson, Useless Hickerson, Ulysses Hickerson, Lillie Bell Hickerson, Early Hickerson, Ollie Hickerson, Zeno Hickerson, Zeno Hickerson, Jr. and Mattie M. Brown as such should, therefore the refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be

forwarded to the Secretary of the Interior thriugh the Commissioner o
of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

M.C.R. 5399

Muskogee, Indian Territory, January 15, 1903.

Martha Hickerson,

Littig, Texas.

Dear Madam:

You are hereby advised that on the 15th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Hickerson, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Hickerson, et al.,	M.C.R. 5399
Zeno Hickerson, et al.,	M.C.R. 5400
Mattie M. Brown,	M.C.R. 6351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report thereof to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Martha

Nickerson, Rosa Nickerson, Maggie Nickerson, Ueoleen Nickerson, Minnie Nickerson, Lillie Bell Nickerson, Emily Nickerson, Ollie Nickerson, Zone Nickerson, Zone Nickerson Jr. and Mattie M. Brown as such should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this matter, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Registered.

Muskogee, Indian Territory, January 31, 1903

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Martha Hickerson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 15, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Martha Hickerson, et al.,	M.C.R. 5399
Zeno Hickerson, et al.,	M.C.R. 5400
Mattie M. Brown,	M.C.R. 6251

The Commission has the honor to report that the [illegible] applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 5399

Acting Chairman.

COPY

Land
8234-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.
March 31, 1903.

The Honorable
The Secretary of the Interior.

Sir:-

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Martha Hickerson, for the identification of herself and her seven minor children, Hosea, Maggie, Uesless, Ulysses, Lillie Bell, Early, and Ollie Hickerson; also by Zeno Hickerson, for the identification of himself and his minor child, Zeno Hickerson, Jr.; and also by Mattie M. Brown, for the identification of herself, all as Mississippi Choctaws.

On January 22, 1903, the commission rendered a decision in this case finding that under the provisions of the Act of Congress approved June 28, 1898 (30 Stats.,495), no freedman is entitled to identification as a Mississippi Choctaw, and that the applicants herein being freedmen their applications for such identification should be refused.

An examination of the record evidence shows that these applicants claim to have derived their Choctaw blood through one Louis Bennett, the father of the principal applicant, Martha Hickerson.

An examination of the record evidence also shows that the mother of said principal applicant was a slave. Neither the record evidence nor an examination of the records of this office shows that any person by the name of [redacted] ever complied or attempted to comply with the provisions of the 14th Article of the treaty of 1830, or secured a patent for land thereunder.

By reason of the premises the office considers that the applications of the applicants herein should be denied, and so recommends to the Department.

Very respectf lly,

A. C. TONNER,
Acting Commissioner.

W.C.B. (E)

COPY.

D. C. 15084-1903

ITD. 3562-1903.
LRS.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

WCF
RAF

May 18, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 31, 1903, you transmitted the record in the consolidated case involvong the applications for identification as Mississippi Choctaws, of Martha Hickerson and her minor children Hosea, Maggie, Ueeless, Ulysses, Lillie Bell, Early and Ollie Hickerson; of Zeno Hickerson and his minor child, Zeno Hickerson, Jr: and of Mattie M. Brown. It appears that the principal applicant and her mother were slaves prior to the Emancipation Proclamation, and that the other applicants are their lineal descendants. You held January 15, 1903, that no freedman is entitled to identification as a Mississippi Choctaw, and refused the applications.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Louis Bennett, father of the principal applicant, it being alleged that he was a full blood Choctaw Indian and a resident of Mississippi at the time of the making of the treaty of 1830.

The evidence fails to show that Louis Bennett, ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830 or the subsequent acts of Congress relating thereto. The records of the Indian Office fail to show that any one by the

name of Louis Bennett complied or attempted to comply with the provisions of said article or acts.

The Department is therefore of the opinion that the applicants have failed to establish their claim.

Reporting March 31, 1903, the Acting Commissioner of Indian Affairs recommends that your action in rejecting the applications be approved.

The Department affirms your decision in so far as it rejects the application.

Respectfully,

(Signed) THOS. RYAN

Acting Secretary.

1 inclosure.

M.C.R.5399.

COPY.

Muskogee, Indian Territory, July 11, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Hickerson, et al., of which decision you were advised by mail on the 15th day of April, 1903.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

M.C.R.6299.

COPY.

Muskogee, Indian Territory, July 11, 1903.

Martha Hickerson,

Littig, Texas.

Dear Madam:

You are hereby notified that on the 18th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Hickerson, et al., of which decision you were advised by registered mail on the 15th day of January, 1903.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge

M C R 5399

Muskogee, Indian Territory, July 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Martha Hickerson, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of January 15, 1903, adverse to the applicants, was, on January 31, 1903, forwarded the Department.

May 18, 1903 (I T D 3562-1903), the Department affirmed the decision of said Commission above referred to.

June 25, 1906, this office received a petition signed Martha Hickerson, praying for a rehearing in the above consolidated case. The petition is herewith transmitted.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

MdM 25/1

M C R 5399

Muskogee, Indian Territory, July 25, 1906.

Thomas & Foreman,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

The petition filed by you in this office June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Martha Hickerson, et al., has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

Land.
31670-1905.
64387-1906.

February 20, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of July 25, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, who forwards a petition signed by Martha Hickerson, praying for rehearing in the consolidated Mississippi Choctaw case of Martha Hickerson, et al., wherein a decision adverse to the applicants was rendered by the Department on May 18, 1903 (I.T.D. 3562-1902). On the original examination of the case, the contentions of the applicants were carefully reviewed in this Office and in the Department, and the decision adverse to the applicants was rendered as the result of that careful examination and consideration. The motion for rehearing sets out no new matter which would justify a reconsideration in the case, and I recommend that it be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y.

J.P.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.4424-1907. February 25, 1907.

LRS

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office in letter of February 20, 1907, copy inclosed, the motion for rehearing in the Mississippi Choctaw case of Martha Hickerson et al., received with your letter of July 25, 1906, is denied.

Even if the motion presented a prima facie case for investigation, which it does not, the Department would not be warranted in ordering a rehearing, in view of the provisions of section 2 of the act of April 26, 1906 (34 Stats, 137), relative to the completion of the citizenship rolls of the Five Civilized Tribes.

A copy of Indian Office letter is inclosed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inc. and 3 to Ind. Of.

APHc
3-26-07

MCR-5399.

Muskogee, Indian Territory, March 16, 1907.

Martha Hickerson,
Muskogee, Indian Territory.

Dear Madam:

There is enclosed herewith copy of Departmental letter of February 25, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of February 20, 1907, denying the motion filed June 25, 1906, by Thomas & Foreman, attorneys at law, Muskogee, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Martha Hickerson et al.

Respectfully,

Commissioner.

MRC encl. 16-6

MCR-5399.

Muskogee, Indian Territory, March 16, 1907.

Thomas & Foreman,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith copy of Departmental letter of February 25, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of February 20, 1907, denying the motion filed by you June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Martha Hickerson et al.

Respectfully,

Commissioner.

MMC encl. 16-7

MCR-5399.

Muskogee, Indian Territory, March 16, 1907.

Mansfield, McMurray & Cornish,
Attorneys at Law,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith copy of Departmental letter of February 28, 1907 (I.T.D. 4424-1907), accompanied by the report of the Acting Commissioner of Indian Affairs of February 20, 1907 (land 31670-1903, 64387-1906), denying a motion filed in this office June 25, 1906, by Thomas A Foreman, attorneys at law, Muskogee, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Martha Hickerson et al.

Respectfully,

Commissioner.

MMC encl. 16-8

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILISED TRIBES,
CHOCTAW DIVISION.

In the matter of the application for identification as Mississippi Choctaws in the consolidated cases of Martha Hickerson et al., M.C.R. 5800, Zeno Hickerson et al., M.C.R. 5400, and Mattie M. Brown M.C.R. 6351.	MOTION FOR REHEARING.

And now comes the said Martha Hickerson for herself and for the others mentioned in her original application in M.C.R. 5800 and the cases consolidated therewith, viz: M.C.R 5400, and M.C.R. 6351 and move the Honorable the Commissioner to the Five Civilized Tribes and the Honorable The Secretary of the Interior to set aside the decision of the Commission to the Five Civilised Tribes and of the Secretary of the Interior dated May 13th., 1903, rejecting their claim to identification as Mississippi Choctaws and that they be granted a rehearing in said consolidated cases.

Martha Hickerson.

By Thomas O Foreman.
Attorneys for claimants.

Index 5399

In re application of
Martha Lichtenwalter et al
for enrollment as
Mississippi Choctaws.

Motion for rehearing

Copy

JUN 2 1908

Thomas Foreman
attys for Claimants.

United States of America,)
Indian Territory,) SS.
Western Judicial District)

On this day personally appeared before me Jay P. Farnsworth, a duly appointed, commissioned and acting Notary Public in and for the Western District of Indian Territory, Martha Hickerson, of Muskogee, Indian Territory, to me personally well known, who having been first duly sworn according to law deposes and says:

My name is Martha Hickerson, my post office address is Muskogee, Indian Territory, and I am about fifty years of age; I was born at Memphis Tenn., about fifty years ago and I was the slave of John Bell, of Memphis, Tennessee; I was taken to Arkansas when a small child and remained there until 1865 when I was taken to Texas, where I lived until 1901, when I came to Muskogee, Indian Territory, where I have resided ever since. My name before my marriage was Martha Bennett; my father's name was Lewis Bennett and he was a full blood Choctaw Indian; my father came from Mississippi to Tennessee and was there married to Elizabeth, (or Betsy,) the female slave of John Bell, a white man. Affiant was married in Bastrop County, Texas, to Willis Hickerson, a colored man, said marriage was celebrated by authority of a regular license, in the Court House in Bastrop, Bastrop County, Texas; as the fruit of said union she is the mother of the following children: Tommie Hickerson, Charlie Hickerson, Zeno Hickerson, Hosea Hickerson, Willie Collins, Maggie Hickerson, Useless Hickerson, Ulysses Hickerson, Lilly Bell Hickerson, Curly Hickerson and Ollie Hickerson.

And further affiant saith not:

Witness my signature
John A. Rhodes

Martha her X Hickerson
mark

Subscribed and sworn to before me this
25th. day of June, 1900.

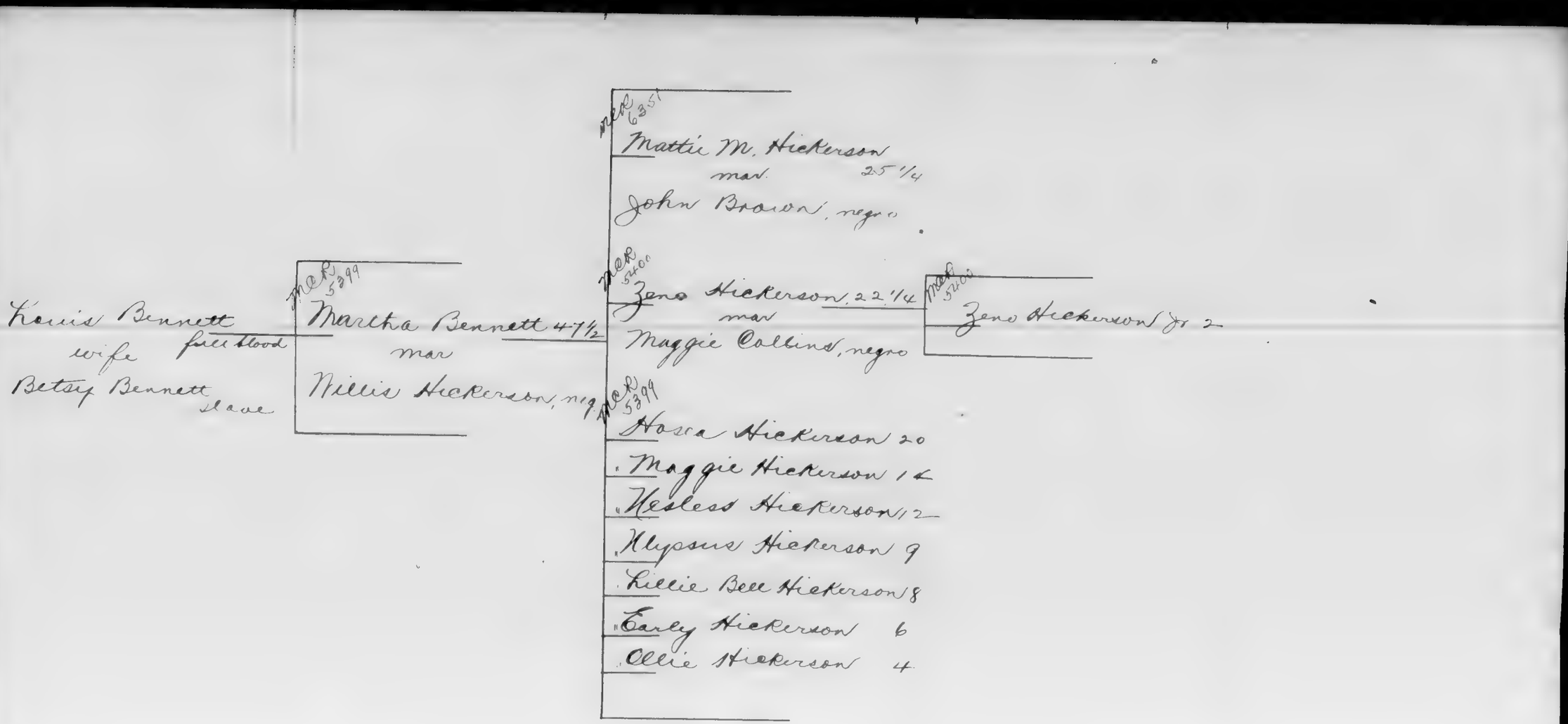
Jay P. Farnsworth
Notary Public.

My commission expires August 16th. 1908.

REFER TO M. C. R. 5399

Martha Hickerson
et al

Consolidated Case


Mattie M. Hickerson
mar 25 1/4
John Brown, negro
Zeno Hickerson, 22 1/4
mar
Maggie Collins, negro
Hosea Hickerson 20
Maggie Hickerson 16
Hesless Hickerson 12
Ulysses Hickerson 9
Lillie Bell Hickerson 8
Early Hickerson 6
Ollie Hickerson 4
Zeno Hickerson Jr 2
Martha Bennett 47 1/2
mar
Willis Hickerson, negro
Lewis Bennett
wife
Betsy Bennett
slave
free blood

No. 5989

For Identification as a Mississippi Choctaw.

Date APR 29 1902

Name Martha Hickerson,

Age 47— Blood 1/2

Post-Office. Littig, Texas

Father: Louis Bennett, "

Mother: Betsey " Slave

Claims through father.

husband Willis Hickerson col.

No claim for husband

Children:

~~Ch~~	Rosa Hickerson,	20
	Maggie "	14
	~~Nessess~~ "	12
	(Nessess)	
	Ulysses "	9
	Lillie Bell "	8
	Early — " M	6
	Ellie — F	4

Claims for self & children

Stenographer J. A. Apple.

Choctaw MCR 5400

Zeno Hickerson

See MCR 5399

MCR 5400

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 29, 1902.

M C - 5400 -

------ : ------

In the matter of the application of Zeno Hickerson for identification of himself and his child, Zeno Hickerson, jr., as Mississippi Choctaws.

Applicant not represented by Attorney.

Zeno Hickerson being first duly sworn testified as follows:

Examination by the Commission.

Q. What is your name? A. Zeno Hickerson.
Q. How old are you? A. I am twenty-two years old.
Q Are you married? A. Yes, sir.
Q. Have you a family? A. Yes, sir.
Q. How many children have you? A. I have one.
Q. Have you a lawyer? A. No, sir.
Q. What is your post-office address? A. Littig, Traverse county, Texas.
Q. How long have you lived at Littig? A. Six years.
Q. Where did you live before that time? A. At Utliff, Texas.
Q. How long have you lived in Texas? A. I have been there twenty-two years.
Q. You were born there? A. Yes, sir.
Q. What is your father's name? A. Willis Hickerson.
Q. Is your father living? A. Yes, sir.
Q. Is your mother living? A. Yes, sir.
Q. What is her name? A. Martha Hickerson.
Q. She has just made application for identification as a Mississippi Choctaw, has she? A. Yes, sir.
Q. Through whom do you claim Choctaw blood? A. My mother.
Q. How much do you claim? A. I claim about one-eighth.

Q. How much does your mother claim? A. One-half.
Q She claims to be one-half? A. Well, I claim to be one-quarter.
Q. Then you claim one-half of what your mother has? A. Yes, sir.
Q. Has your mother ever been recognized in any way or enrolled as a citizen of the Choctaw nation in Indian Territory? A. No, sir. No that I knew of.
Q. Q. What is your wife's name? A. Maggie.
Q. Is she li ving? A. Yes, sir.
Q. Is she a colored woman? A. Yes sir.
Q. Was her father a slave? A. Yes, sir.
Q. Her mother a slave? A. Yes, sir.
Q. Wehere were they slaves? A. I cannot tell; in Texas I suppose.
Q You have heard your mother testify to-day, have you not? A. Yes, sir.
Q. Do you know anything about her father and mother? A. Only what I have heard her say. I know her mother.
Q. Is she living? A. No, sir.
Q. Was her mother a slave before the war? A. Yes, sir.
Q. Have you any children you want to make application for? A. Yes, sir; I have one.
Q. You do not apply for your wife? A. No, sir.
Q. What is your child's name? A. Zeno Hickerson.
Q. Junior? A. Yes, sir. Zeno Hickerson, jr.
Q. How old is he? A. About two years old.
Q. You claim for your child do you? A. Yes, sir.
Q. Is Maggie Hickerson the mother of this child? A. Yes, sir.
Q. It is living with you at your home? A. Yes, sir.
Q: Are you and your wife living together as husband and wife? A. Yes, sir.
Q. When and where were you married to your wife? A. In the year 1899, at Elgin, Texas.
Q. Was the marriage by a minister? A. Yes, sir.
Q. Have you your marriage license with you? A. No, sir.
Q. Can you produce evidence of your marriage if given time? A. No, sir.
Q. Can you get a copy of the marriage license and certificate of marriage and send it here, if time is given you? A. Yes, sir.

A reasonable time will be allowed this applicant to introduce proof of his marriage.

Q. Is the name of your mother on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No, sir.
Q. Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or to the United States authorities in Indian Territory? A. No, sir.
Q. Have you ever made application for citizenship to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A. No, sir.
Q. Have you ever made application for enrollment as a citizen of the Choctaw Nation to any authority whatever before this time? A. No, sir. This is the first time I have applied.
Q. Do you now come before this Commission and make application for the identification of yourself and your minor child as citizens, to be identified as Mississippi Choctaws? A. Yes, sir.
Q. You make application for the identification of yourself and child as Mississippi Choctaws? A? No, sir.
Q. You don't want to be identified? A. Yes, oh, yes, sir. I want to be identified.
Q. You claim rights under article fourteen of the treaty of 1830, do you? A. Yes, sir.

Q. Do you understand that article of that treaty? A. Yes, sir; I have heard it explained.
Q. Would you like to have it explained to you again? A. I would like to hear it explained as many times as possible.

This treaty was made for the purpose of removing the Choctaw Indians from that old Nation in Mississippi to the Choctaw Nation west of the Mississippi River in Indian Territory; but before the treaty was signed it became known that a great many Choctaw Indians would not go from the old Choctaw Nation east of the Mississippi River; and it was for the protection of these Indians who stayed back that article fourteen was put into the treaty.

The treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be ntitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are to be entitled to any portion of the Choctaw annuity"

Q. What is the name of your Choctaw ancestor through whom you claim? A. Martha Nickerson, my mother.
Q. What was her father's name? A. Louis Bennett.
Q. How much Choctaw blood did he have? A. He was a full blood, I suppose. That's what my mother told me.
Q. Did he ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A. Not that I know of.
Q. Did Louis Bennett, your grandfather, ever live in Mississippi and have a family there in 1830, --that is 72 years ago? A. I suppose so.
Q. Is he living now? A. I reckon he is; I never saw him.
Q. How old would he be if living now? A. I don't know.
Q. Did he claim Choctaw blood through his father or mother? A. I don't know; he was a Choctaw himself.
Q. Did he claim through his father or mother, or through both? A. Through them both, I guess; he was a full blood.
Q. What was his father's name? A. I don't know.
Q. What was his mother's name? A. I don't know.
Q. You don't know anything about his parents? A. No, sir.
Q. And you don't know whether he was the head of a family in Mississippi or Alabama in 1830 or not? A. I don't know.
Q. Did he or any of your other Choctaw ancestors own any improvements on lands in Mississippi and Alabama in 1830? I don't know.

Q. Did he or any of your Choctaw ancestors go to Col. Ward, the United States Indian Agent, in Mississippi and tell him they wanted to take lands there, stay and become citizens of the States? A. I don't know. Not that I know of.

Q. Did any of your Choctaw ancestors go with other Indians from the old Choctaw nation east of the Mississippi River to the Choctaw Nation in Indian Territory between 1833 and 1840? A. Not that I know of.

Q. Did any of your Choctaw ancestors own or claim any lands in Mississippi or Alabama under article fourteen of the treaty of 1830? A. I don't know.

The Choctaw Indians who remained in Mississippi and Alabama after the ratification of the treaty of 1830 were required, if they wanted to take advantage of the provisions of that treaty as a Mississippi Choctaw to go to Col. Ward, the Indian Agent there, and tell him that they wanted to stay, take lands and become citizens of theStates. A Good many Choctaw Indians did this, who so names Col. Ward failed to put upon his list, known as "Ward's Register". His neglect to make a proper and complete record of all Indians who came before him caused a great many Choctaw Indians to lose both their lands and improvements, for both were taken from them and sold by the government. This caused a good many complaints among the Choctaw Indians, so that in 1837 congress, by an act of March 3rd of that year, appointed a commission which went to Mississippi and heard claimants under article fourteen of that treaty of 1830. In 1842 congress appointed another commission for the same purpose. Both these commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830 and made a list of such names as came before them.

Q. Did any of your Choctaw ancestors go before either of these commission and claim benefits under article fourteen of the treaty of 1830? A. Not that I know of.

Q. Did any of your Choctaw ancestors ever claim or receive any scrip from the government which entitled them to select lands either in Mississippi, Alabama, Arkansas or Louisiana in place of those which the government had taken from them and sold? A. Not that I know of.

Q. Have you any relatives, except your mother, who have appeared here for identification as Mississippi Choctaws? A. No, sir.

Q. Her case is here referred to as No. 5399. -would you like your case consolidated with hers and have them all considered together? A. Yes, sir.

Q. Do you speak or understand the Choctaw language? A. No, sir.

Q. Did you ever see your grandfather?
A. No, sir.

Q. Is your father a black man?
A. Yes, sir.

Q. Your mother's hair is straight, but yours does not seem to be quite straight? A. No, sir.

Q. You have got quite alittle curly hair in your head? A. Yes, sir

This applicant has the appearance and physical characteristics of being descended from a mixed parentage. His mother, Martha Mickerson, who has just appeared before the Commission, shows to be a descendant of Indian, but in this applicant there is more of the appearance of the negro race. His features are the features of the negro, except that they are modified by being somewhat thinner than the negro's. There is more of the African blood in him than in his mother. He does not understand or speak the Choctaw language, and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830. His father and mother were both at one time slaves.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on the 29th day of April, 1902; and that the above and foregoing is a true, correct and full transcript of his stenographic notes in same.

S A Apple

Subscribed and sworn to before me this May 3, 1902.

Notary Public.

Miss.Choctaw 5400

Muskogee, Indian Territory, May 20,1902.

Zeno Hickerson,

Littig, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 17, inclosing marriage certificate between Zeno Hickerson and Maggie Collins, offered in support of your application for the identification of yourself and your minor child as Mississippi Choctaws. The same has been made a part of the record in this case and will receive consideration in the disposition of the application.

Yours truly ,

Commissioner in Charge.

Miss.Choctaw 5400

Muskogee, Indian Territory, November 5, 1902.

Zeno Nickerson,

Muskogee, Indian Territory,

Dear Sir :

Your letter of October 25, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action. You state therein that you have made application before the Dawes Commission for identification as a Mississippi Choctaw and wish to know what is the status of your case.

In reply to your letter you are advised that the Commission now has under consideration your application for the identification of yourself and your minor child as Mississippi Choctaws, and it is probable that within the near future a decision will be reached in your case. You will then be duly notified of the action of the Commission.

Respectfully,

Acting Chairman.

COPY. M.C.R. 5400

Muskogee, Indian Territory, January 15, 1903.

Zeno Hickerson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Hickerson, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Hickerson, et al.,	M.C.R. 5399
Zeno Hickerson, et al.,	M.C.R. 5400
Mattie M. Brown,	M.C.R. 6351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Martha Hickerson, Hosea Hickerson, Maggie Hickerson, Ueeless Hickerson, Ulysses Hickerson, Lillie Bell Hickerson, Early Hickerson, Ollie Hickerson, Zeno Hickerson, Zeno Hickerson Jr. and Mattie M. Brown as such should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

E. B. Needles.

Commissioner in Charge.

Registered.

M.S.H. 8400.

COPY.

Muskogee, Indian Territory, July 11, 1903.

Zeno Hickerson

Klittig, Texas.

Dear Sir:

You are hereby notified that on the 18th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Hickerson, et al., of which decision you were advised by registered mail on the 15th day of January, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

MCR-5400.

Muskogee, Indian Territory, March 16, 1907.

Zeno Hickerson,
Littig, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 25, 1907, denied a motion filed in this office June 25, 1906, by Thomas & Foreman, attorneys at law, Muskogee, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Martha Hickerson et al.

Respectfully,

Commissioner.

No. 3400

For Identification as a Mississippi Choctaw.

Date APR 29 1902

Name Zeno Hickerson

Age 22 Blood 1/4

Post-Office, Lititz. Tex.

Father: Willis Hickerson Slan l

Mother: Martha " Slan l

Claims through mother.

wife Maggie Hickerson l.c.c

No claim for wife

Children:

Zeno Hickerson Jr. 2

Claims for self & Chil

Stenographer S.A. Apple.

Choctaw MCR 5401

Nute Guiden

See MCR 5342

MCR 5401

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nute Guiden et al., for identification as Mississippi Choctaws, consolidating the applications of -

Nute Guiden,.....M. C. R. 8401.
Cornelia Jones,....M. C. R. 8342

List of papers forwarded the Secretary of the Interior, embracing the record in the consolidated case of Nute Guiden, et al.

Page.

Original application of Nute Guiden, before the Dawes Commission, for identification as a Mississippi Choctaw,..... 1

Original application of Cornelia Jones, before the Dawes Commission, for identification as a Mississippi Choctaw,..... 5

Joint affidavit of Louisa C. Lary and Jessie E. Lary, marked Exhibit "A",..... 10

Affidavit of Louie B. Bell, marked exhibit "B",..... 11

Affidavit of W. C. Bruner, marked exhibit "C",..... 12

Decision of the Commission, refusing the applications in the consolidated case of Nute Guiden, et al., for identification, as Mississippi Choctaws,..... 13

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 24th, 1902.

In the matter of the application of Nute Guiden for identification as a Mississippi Choctaw.

APPEARANCES: A.W.Jones, Agent for applicant.

Said Nute Guiden, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Nute Guiden.
Q How old are you? A Twenty-four years old.
Q How much Choctaw blood do you claim to have? A Quarter.
Q What's your postoffice address? A Bessie, Arkansas.
Q What County? A Faulkner County.
Q How long have you lived in Faulkner County, Arkansas? A I've been there about eleven years.
Q Where did you live before that? A I stayed in Monroe County, Mississippi.
Q Were you born and raised there? A No sir, I was born in Alabama.
Q What County? A Idon,t know what County it was.
Q What town did you live near? A I wasn't living in no town at all.
Q Near what town? A I don't know.
Q In the eastern part of the State or the western part of the State? A Near the line of Mississippi.
Q How old were you when you left there? A About seven or eight years old.
Q Then you went to Monroe County, Mississippi and lived there until you went to Arkansas? A Yes sir.
Q Is your father living? A Yes sir, I think he is.
Q What's his name? A Burl Guiden.
Q Is your mother living? A No sir, she's dead.
Q What was her name? A Delphia.
Q Through which one of your parents do you derive your Choctaw blood? A Mother.
Q How long has your mother been dead? A About fourteen or fifteen years I guess.
Q About how old was she when she died? A I don,t know, sir, how old she was.
Q Give us an idea? A She ought to have beenfifty or sixty years old if not more than that.
Q She died in Monroe County, Mississippi, did she? A Yes sir.
Q Where was she born? A I don,t know, sir; I never did hear her say
Q She was a slave, wasn't she? A No sir, not as I know of.
Q Where did she ever live besides in Mississippi and Alabama, do you know? A No sir, I don,t know.
Q Did you everhear of her living any place else? A No sir.
Q Do you understand the Choctaw language? A No sir.
Q Did she? A Yes sir.
Q How do you know that she did? A She said she did.
Q When did she tell you she did? A Before she died.
Q You never heard her speak it, did you? A No sir, I never did.

Q Through which one of her parents didshe get her Choctaw blood?
A I don't know but I think it was from her mother.
Q But you couldn't be certain about it? A wo sir.
Q What was her mother's name? A I don,t know,sir.
Q Did you ever see her? A No sir.
Q Do you know where she lived during her life time-your mother's mother? A No sir,I don't know where she lived.
Q You know nothing whatever about her? A No sir.
Q According to your statement she was a full blood Choctaw,is that right? A Yes sir.
Q Do you know the names of her parents? A No sir.
Q How did you ever learn that she was a full blood Choctaw-your grandmother? A She said so.
Q Your mother said so? A Yes sir.
Q Are you married? A Yes sir.
Q Is your wife living? AA yes sir.
Q Has she any Choctaw blood, A Not as I knows of.
Q You make noclaim for her,then? A No sir.
Q What's her name? A Sallie.
Q Have you any children living? A wo sir.
Q This application,then,is for yourself only? A Yes sir.
Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A wo sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Did any of your ancestor s ever comply or attempt ~~fam~~ to comply with its provisions or ever receive any benefits under that article? A No sir.
Q Are you sure of that? A Not as I know of.
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made A Not as I knowsof.
Q Do you know whether any of them lived here at that time? A Not as I know of.
Q Did any of your Choctaw ancestors remove to the pfesent Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir,not as I knows of.
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi,for the Choctaws,know that they wanted to stay here in Mississippi and become citizns of the States and take land? A wo sir, not as I knows of.
Q Did any of them ever claim or receive any land from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir,not as I knows of.
Q Did you ever hear of any of your Choctaw ancestors ever having received any land or money from the Government? A No sir,I never have heard it.

In accordance with the provisions of this 14th article of

the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaw s who did in fact let him know that they wanted to stay here and become citizens of the states and take land and on this account the Government, at its publicland sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article. This caused a great deal ofcomplaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.

An act of Congress approved the 23rd day of August, 1842, provided thatin cas it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but thathis land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else herein Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government underthis act of Congress? A No sir, not as I know of.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don,t know of any.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence to offer at this time? A No sir.
Q Any witnesses here today? A No sir.

Ifyou should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at Meridian between now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A no sir.
Q Any brothers living? A Yes sir,one--he's the only one I remember.
Q What's his name? A William Guiden.
Q Has he been before the Commission? A No sir,not as I knows of.
Q Where does he live? A He stays down here, at Caladonia,Mississippi.
Q You never had any other brothers that you know of? A Yes sir, there was fourteen children of us but lots of them died. I don't know where the balance of them is. He's the only one I know of now except a sisterI am staying with.
Q Did any of your brothers who are dead leave children? A No sir not as I know of.
Q What's the name of your sister living at Conway? A Cornelius Jones.
Q She has been before the Commisd on? A Yes sir ,she was here last week.
Q Have you any other sisters living? A No sir,not that I know of.
Q Did any of your sisters leave children? A I don;t know whether they did or not. They married and moved away and I never did hear of them.
Q You don,t know where any of them are? A no sir.

The applicant has the appearance of being a full blood negro--showsno indications of being possessed of Indian blood--doesnot speak or understand the Choctawlanguage.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,head at Meridian, Mississippi,April 24th,1 902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 6th day of May,1902, at Muskogee,Indian Territory.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nute Guiden et al., for identification as Mississippi Choctaws, consolidating the applications of -

Nute Guiden,	M.C.R. 5401
Cornelia Jones,	M.C.R. 5342

D E C I S I O N.

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Nute Guiden for himself and by Cornelia Jones for herself, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation , concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Mary Pridmore, who is alleged

to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the record in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Friedmore, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nute Guides and Cornelia Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said

article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory

OCT 28 1902

COPY

M C R 5401

Muskogee, Indian Territory, October 28, 1902.

Nute Guiden,

Bessie, Arkansas.

Dear Sir:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nute Guiden, et al., embracing the following applications for identification as Mississippi Choctaws:

Nute Guiden,	M.C.R. 5401
Cornelia Jones,	M.C.R. 5342

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nute Guiden and Cornelia Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

W.C.---2

You are farther advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. F. Brockmridge.
Commissioner in Charge.

Registered.

COPY.

M.C.R. 5401

Muskogee, Indian Territory, October 28, 1902.

A.W.Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nute Guiden, et al., embracing the following applications for identification as Mississippi Choctaws:

Nute Guiden,	M.C.R. 5401
Cornelia Jones,	M.C.R. 5342

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nute Guiden and Cornelia Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of [redacted] article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants herein have been allowed fifteen days within which to file arguments in this

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Breckinridge

Commissioner in Charge.

Registered.

COPY

M.C.R. 5401

Muskogee, Indian Territory, October,25, 1902.

S.A.Rendle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nute Guiden, et al., embracing the following applications for identification as Mississippi Choctaws:

Nute Guiden,	M.C.R. 5401
Cornelia Jones,	M.C.R. 5342

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nute Guiden and Cornelia Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their [redacted] should be refused, and [redacted]

S.A.B.---2

You are further advised that the applicants herein have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Breckinridge.
Commissioner in Charge.

Registered.

M.C.R. 5401

Muskogee, Indian Territory, October 28, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nute Guiden, et al., embracing the following applications for identification as Mississippi Choctaws:

Nute Guiden,	M.C.R. 5401
Cornelia Jones,	M.C.R. 5342

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nute Guiden and Cornelia Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M.McM.& C.---2

You are further advised that the applicants herein have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. H. Broadwater.
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, November 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Nute Guiden, et al., applicants for identification as Mississippi Choctaws, including the decision of the Commission of October 28, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Nute Guiden,	M C R 5401
Cornelia Jones,	M C R 5342

The Commission has the honor to report that the applicants in the several separate applications, their attorney of record, their agent and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tams Bixby.

Acting Chairman.

Through the Commissioner of Indian Affairs.

Enc. M C R 5401.

(COPY)

Land. DEPARTMENT OF THE INTERIOR,

68,345-1902. Office of Indian Affairs,

Washington, Jan. 26, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application of Nute Guiden and Cornelia Jones for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the commission on October 28, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Mary Pridemore and Delphia Guiden or Guyton. They claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of their ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for

the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Mary Pridemore and Delphia Guiden or Guyton, and it is discovered that their names do not appear [redacted] the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

(E.B.H.)

P.

(COPY)

D.C. 4596 DEPARTMENT OF THE INTERIOR.

ITD.1130-1903. Washington. KAF.

L R S

February 13, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 13, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Nute Guiden and of Cornelia Jones, including your decision of October 28, 1902, adverse to the applicants.

They claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Mary Priedmore, alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Mary Priedmore, or an ancestor less remote, complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting January 26, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has reviewed the record in the case and hereby affirms your decision.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

M.C.P. 5401

Muskogee, Indian Territory, February 26, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nute Guiden, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

Tams Bixby

Chairman.

COPY.

M.C.R. 5401

Muskogee, Indian Territory, February 26, 1903.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nute Guiden, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

Tams Bixby.

Chairman.

COPY.

M.C.R. 5401

Muskogee, Indian Territory, February 26, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mute Guiden, et al., of which decision you were advised by mail on the 28th day of October, 1902.

Respectfully,

Tams Bixby

Chairman.

COPY

M.C.R. 5401

Muskogee, Indian Territory, February 26, 1903.

Nute Guiden,

Bessie, Arkansas.

Dear Sir:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nute Guiden, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

[illegible]

Chairman.

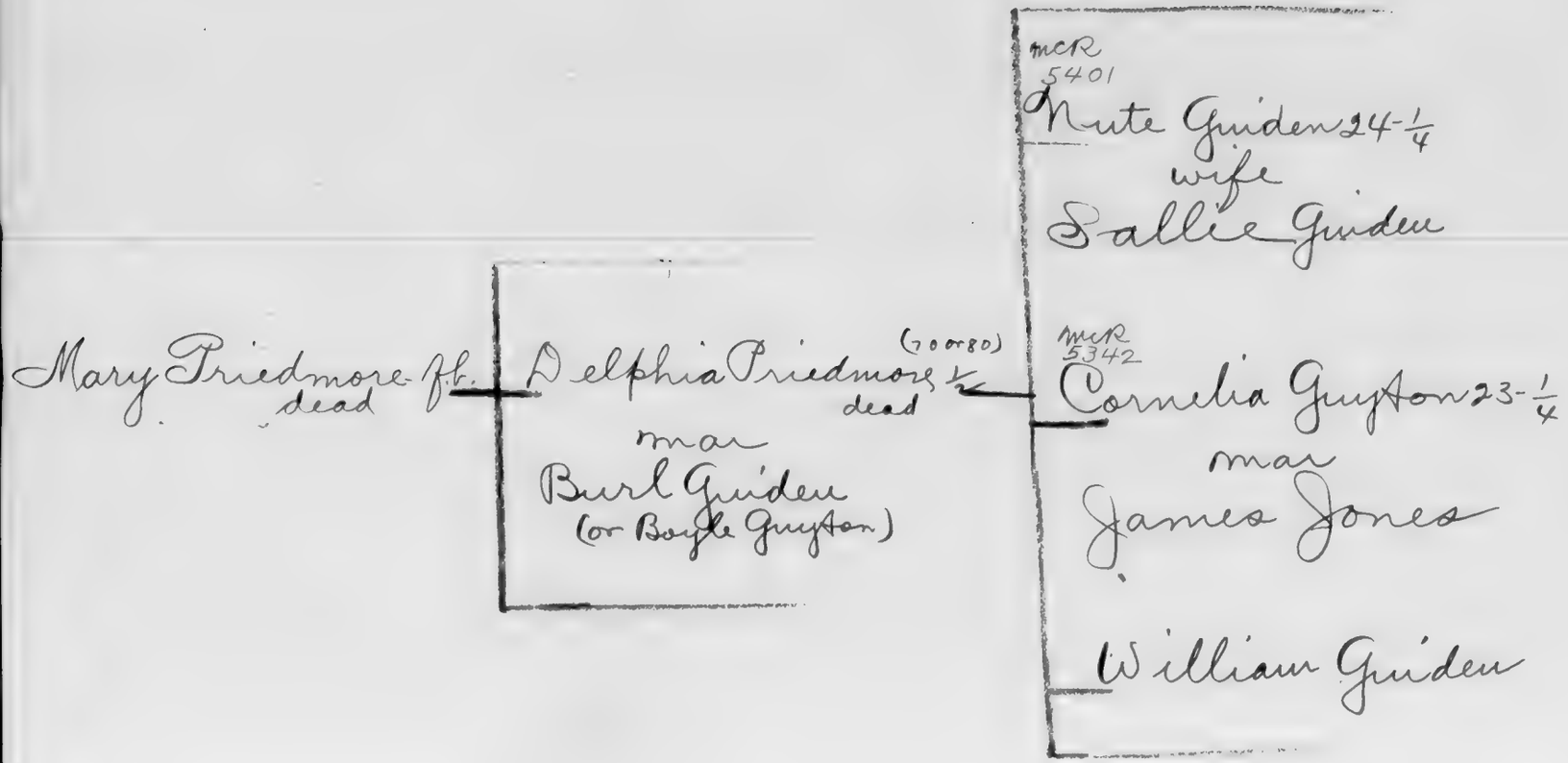
CHEROKEE NATION.

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BLOOD	TRIBAL ENROLLMENT				TRIBAL ENROLLMENT OF PARENTS		
	YEAR	DISTRICT	NO.	NAME OF FATHER	YEAR	DISTRICT	NAME OF MOT

Consolidated Case
of
Nute Guiden

5401


MCR 5401
Nute Guiden 24-1/4
wife
Sallie Guiden
MCR 5342
Cornelia Guyton 23-1/4
mar
James Jones
William Guiden
(100 80)
Delphia Priedmore 1/2
dead
mar
Burl Guiden
(or Boyle Guyton)
Mary Priedmore f.b.
dead

#2,177

No. 5401

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 24 1902
Date

Name Nute Guiden

Age 24 Blood 1/4

Post Office, Bessie, Ark.

Father: Burk Guiden "

Mother: Delphia " "

Claims through Mother

Children:

Stenographer D. D. Rice

Choctaw MCR 5402

Mary White

See MCR 5403, 5404

MCR 5402

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary White, et al., for identification as Mississippi Choctaws, consolidating the applications of

Mary White, et al.,	M C R 5402
Lewis Collier, et al.,	M C R 5403
Joseph White, et al.,	M C R 5404

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

	Page.
Original application of Mary White, et al., for identification as Mississippi Choctaws.	1
Original application of Lewis Collier, et al., for identification as Mississippi Choctaws.	6
Original application of Joseph White, et al., for identification as Mississippi Choctaws.	11
Final decision of the Commission in the consolidated case of Mary White, et al., applicants for identification as Mississippi Choctaws, refusing said application.	13

540

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 24th, 1902.

In the matter of the application of Mary White for the identification of herself, her daughter Mary Collier and minor grandchildren, Mamie Ford, Lela Ford, Johnnie Ford and Suelipa Ford, as Mississippi Choctaws.

APPEARANCES: S.A.Beadle, Attorney for applicant,
A.W.Jones, Agent for applicant.

Said Mary Collier, being first duly sworn, testified as follows:-

Examination by the Commission.

Q What's your name? A Mary White.
Q How old are you? A I reckon I'm about fifty.
Q How much Choctaw blood have you? A Three-quarters.
Q What's your postoffice address? A Pickens, Mississippi.
Q What County? A Holmes.
Q How long have you lived in Holmes County, Mississippi? A About twelve years.
Q Where did you live before that? A I lived in Lexington, Mississippi.
Q That's in Holmes County, isn't it? A Yes sir.
Q How long have you lived in Holmes County? A I couldn't tell exactly how long.
Q About how long? A I don't know exactly.
Q Where were you born? A Between Biloxi and Bay St.Louuis--I was brought up here when I was a small child.
Q And you have lived in Holmes County ever since? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Seymour Begois.
Q Is your mother living? A No sir.
Q What was her name? A Addel.
Q Did your father have any Choctaw blood? A He was whole Choctaw.
Q How long has he been dead? A I don't know.
Q Do you remember him? A No sir.
Q You never saw him that you know of? A No sir.
Q How long has your mother been dead? A She died the first year of the war.
Q Was she a slave? A Yes sir.
Q About how old was she when she died? A I couldn't tell exactly--she said she was a young woman when the stars fell.
Q Where was she born? A I don't know, sir.
Q Where did she die? A She died on the plantation.
Q Where? A Between Chula--the place of the plantation was named Clifton--on my master's plantation.
Q How long did she live down about Biloxi? A I don't know, sir.
Q You don't know where she moved from to Biloxi? A When she moved they bought her and brought her here to Mississippi.
Q Where did she come from to Biloxi? A I don't know, sir.
Q Do you know the names of her father and mother? A No sir.
Q Do you know the names of your father's father or mother? A No sir.

Q How much Choctaw blood did your mother have? A I reckon she was about half--she said my gran dmother was whole Indian.
Q Her mother? A Yes sir.
Q Do you know where your mother's mother lived? A No sir.
Q Do you know whether your father and mother were married? A No sir,Idon,t know.
Q Did your mother everhave any other children by him? A She had three.
Q Three others? A yes sir.
Q Was your father a slave? A wo sir,he was a full blood indian.
Q How long did your father and mother live together,do you know? A No sir.
Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What's his name? A Pat White.
Q Has he any Choctaw blood? A No sir,negro.
Q You make no claim for him,then? A No sir.
Q Have you any children living who are under age or unmarried for whom you want to make application? A I have one child named Mary Collier living with me and is an invalid--she's twenty-five years old.
Q Has she ever been married? A No sir.
Q Lived with you all her life,has she? A Yes sir; she's just the same as a little child. She hasn't got good sense.
Q She is physically unable to come to Meridian,is she? A yes sir.
Q Is her father living? A wo sir.
Q what was his name? A John Collier.
Q Did he have any Choctaw blood? A No sir.
Q Are there any others for whom you want to make application? A I have four grandchildren living with me for whom I want to make application.
Q What are their names and ages,the oldest first? A Mamie.
Q How old is she? A About twelve years old.
Q Ne xt one? A She's nine.
Q What's her name? A Lela.
Q Next one? A Seven.
Q What's the name? A Johnnie.
Q How old is he? A Seven.
Q Next one? A Suelina--about four years old.
Q What's the surname of these children? A Ford.
Q Is the father of these children living? A Yes sir,he livesin Pickens.
Q what's his name? A Creed Ford.
Q was he any Choctaw blood? A No sir.
Q Is the mother of these children living? A Dead.
Q What's her name? A Ida Ford.
Q she was your daughter? A Yes sir.
Q what was the name of her father? A William Stansbury.
Q Did he have any Choctaw blood? A wo sir.
Q How long has the mother of these children been dead? A About four years.
Q How long have these children lived with you? A They've been with me altogether ever since their mother has been dead--four years--but principally they've been with me all their lives.
Q They never have lived with their father? A No sir.

Q He exercises no authority overthem at all? A No sir,they wont stay with their father at all--she willed them to me.
Q Have you ever been appointed guardian for these children by the court? A No sir.
Q This application,then,is for yourself,one incompetent daughter and four minor grandchildren who are living with you? A Yes sir.
Q Was any application of any description ever been made before today for you,your daughter or any of these grandchildren for the purpose of establishing your rights as Choctaw Indians? A Not as I know of.
Q Do you appear before the Commissionat this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself,daughter and four grandchildren under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A I do.
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that 14th article? A Not as I know of.
Q Did any of them own an improvement herein the old Choctaw Nation in Mississippi and Alabama in the year 1830 when that treaty was made? A Not as I know of.
Q Do you know whether any of them lived here at that time? A Not as I know of.
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not to my knowing.
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi,for the Choctaws,know that they wanted to stay here and become citizens of the States and take land under that 14th article? A Not that I know of.
Q Did any of them ever claim or receive anyland from the Government of the United States under that article? A Not as I know of.
Q As far as you know,then,none of your ancestors ever received any benefits whatever as Choctaw Indians? A Not to my knowing.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Geverrment,at its public land sales here in Mississippi,in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th artide of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissiones to come down here to Mississippi and hear the cases of

Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these cases.

Q Did any of your ancestors ever appear before any of these Commissioners and attempt to e stablish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress Approved the 23rd day of August,1842, provided that in case it should be finally determined that a Choctaw had complied in all repects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government,he should be entitled to select in place of the land so sold by the Government land some place else in Mississippi or in Alabama,Louisiana or Arkansas,from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not to my knowing.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A Not that I know of.
Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence to offer at this time in support of your application? A No sir,I don,t know of any.
Q Have you any witnesses here today to testify in your behal f? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee, Indian Territory,and their testimony willbe taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q How many children have you living who are of age or married? A Five.
Q What are their names? A Rosie Wilmot.
Q Where does she live? A Lives in Durant.
Q Has she been before the Commission? A No sir.

Q Next one? A Joseph White.
Q Where does he live? A Wn Yazoo--he's here today.
Q Next one? A Lewis Collier.
Q Is he here today? A Yes sir.
Q Next one? A Mary Collier--she's the invalid for whom I've already made application.
Q Next one? A Simon Collier--he's not here.
Q Where does he live? A He lives at hom with us.
Q Has he ever been before the Commission? A wo sir.
Q Haveyou any children dead besides Ida? A No sir.
Q Have you any brothers living? A Not as I know of.
Q Did you ever have any brothers? A Yes sir,I had two .
Q Did either of them leave children? A No sir.
Q Did you ever have any sisters? A Yes sir,I had sisters.
Q Are any of them living? A Idon't know,sir.
Q Do you know their names? A No sir.
Q How many did you have? A I had two.
Q Do you know where they live? A I left them in New Orleans,Louisiana,when we moved up here--I don't know where they live now.
Q Has your mother any brothers or sisters living? A I don't know, sir.
Q Did she ever have any to your knowledge? A Yes sir,she said she had some but I don't know anything about them.
Q You don't know where they live? A No sir.
Q Nor their names? A No sir.
Q Did your father ever have any brothers or sisters? A I don't know,sir.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood; her hair is ~~kxk~~ black and perfectly straight; she has none of the features or characteristics of an Indian--does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,stats that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 24th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 6th day of May,1902, at Muskogee,Indian Territory.

Charles H. Sawyer

Notary Public.

J.R.B.
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary White, et al., for identification as Mississippi Choctaws, consolidating the applications of

Mary White, et al.,	M C R 5402
Lewis Cellier, et al.,	M C R 5403
Joseph White, et al.,	M C R 5404

))): D E C I S I O N :(((

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Mary White for herself, her imbecile daughter, Mary Cellier, and her four minor grandchildren, Mamie, Lela, Johnnie and Suelina Ford; by Lewis Cellier for himself and his wife, Clara Cellier; and by Joseph White for himself and his minor child, Pat M. White, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants, except Clara Collier, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Addel, who is alleged to have been an one half blood Choctaw, and one Seymour Begeis, who is alleged to have been a full blood Choctaw, and that the said Clara Collier claims like rights by reason of being a descendant of one Sandy Cheek, who is alleged to have been a three fourths blood Choctaw, and one Chaney, who is alleged to have been an one half blood Choctaw.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Addel, or Seymour Begeis, or Sandy Cheek, or Chaney, signified (in person or by

proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the previsions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary White, Mary Collier, Mamie Ford, Lela Ford, Johnnie Ford, Suelina Ford, Lewis Collier, Clara Collier, Joseph White and Pat H. White as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED) Tams Bixby
Acting Chairman.

(SIGNED) T. B. Needles
Commissioner.

(SIGNED) C. D. Breckinridge
Commissioner.

Muskogee, Indian Territory,

DEC 3 1902

M.C.R. 5402.

COPY.

Muskogee, Indian Territory, December 3, 1903.

Mary White,

Pickens, Mississippi.

Dear Madam:

You are hereby advised that on the 3d day of December, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary White, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary White, et al.	M.C.R. 5402
Lewis Collier, et al.	M.C.R. 5403
Joseph White, et al.	M.C.R. 5404

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

> Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary White, Mary Collier, Mamie Ford, Lela Ford, Johnnie Ford, Suelina Ford, Lewis Collier, Clara Collier, Joseph White and Pat H. White as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowedfifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Bixby.
Acting Chairman.

Registered.

M.C.R. 5402

COPY.

Muskogee, Indian Territory, December 3, 1902.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary White, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary White, et al.,	M.C.R. 5402
Lewis Collier, et al.,	M.C.R. 5403
Joseph White, et al.,	M.C.R. 5404

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary White, Mary Collier, Mamie Ford, Lela Ford, Johnnie Ford, Suelina Ford, Lewis Collier, Clara Collier, Joseph White and Pat H. White as Choctaw Indians entitled to rights in the

Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

[illegible] Acting Chairman.

Registered.

M.C.R. 5402.

COPY.

Muskogee, Indian Territory, December 3, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 3d day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary White, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary White, et al.	M.C.R. 5402
Lewis Collier, et al.	M.C.R. 5405
Joseph White, et al.	M.C.R. 5404

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary White, Mary Collier, Mamie Ford, Lela Ford, Johnnie Ford, Pauline Ford, Lewis Collier, Clara Collier, Joseph White and Pat H. White as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office; and that at the expiration of said time the papers in the case, together with such arguments as will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED James Bixby

Acting Chairman.

Registered.

M.C.R. 5402.

COPY.

Muskogee, Indian Territory, December 3, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3d day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary White, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary White, et al.	M.C.R. 5402
Lewis Collier, et al.	M.C.R. 5403
Joseph White, et al.	M.C.R. 5404

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary White, Mary Collier, Mamie Ford, Lola Ford, Johnnie Ford, Suelina Ford, Lewis Collier, Clara Collier, Joseph White and Pat H. White as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) James Finley

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary White, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 3, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Mary White, et al.,	M.C.R. 5402
Lewis Collier, et al.,	M.C.R. 5403
Joseph White, et al.,	M.C.R. 5404

The Commission has the honor to report that the principal applicants in the several separate applications, their agent, attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the
Commissioner of Indian Affairs.
Inc. M.C.R. 5402.

(COPY)

DEPARTMENT OF THE INTERIOR.

Land. 75,926-1902. OFFICE OF INDIAN AFFAIRS.

Washington, Feb. 13, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the consolidated application of Mary White for herself, her imbecile daughter, Mary Collier, and her four minor grandchildren, Mamie, Lela, Johnnie and Suelina Ford; Lewis Collier for himself and his wife, Clara Collier; and Joseph White for himself and his minor child, Pat H. White, wherein a decision adverse to the applicants was rendered by the Commission on December 3, 1902.

The testimony in this case shows that the names of the ancestors of 1830 were not asked for; that the proof does not go back to Addel and Seymour Begois and there is no testimony as to their having been alive or heads of families in 1830. The applicants are unable to state whether their ancestors of 1830 were members of the Choctaw tribe in Mississippi or Alabama, or were beneficiaries under the provisions of the 14th article of the Choctaw treaty of 1830, they relying wholly on their Choctaw blood.

The Commission rejected these parties because the names of their ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Addel and Seymour Begois and it is discovered that their names do not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the Commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(E.B.H.)

P.

(COPY)

D.C. 7636. EAF.

DEPARTMENT OF THE INTERIOR.

Washington, March 14, 1903.

ITD.1734-1903.
L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

December 19, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Mary White, her daughter Mary Collier, and her minor grandchildren, Mamie, Lela, Johnnie and Suelina Ford; of Lewis Collier and his wife Clara Collier; and of Joseph White and his minor child, Pat H. White. You denied the applications December 3, 1902.

The applicants claim to be descendants of Addel, Seymour Begois, Sandy Cheek, or Chaney, all of whom are alleged to have been possessed of Choctaw blood.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that any one of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stats, 513).

Reporting February 3, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department finds no reason to modify your recision, and it is accordingly affirmed.

Respectfully,

(Signed) F. L. Campbell,
Acting Secretary

1 inclosure.

M.C.R. 5402

COPY.

Muskogee, Indian Territory, March 24, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary White, et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

Tams Bixby.
Chairman.

M.C.R. 8402

Muskogee, Indian Territory, March 24, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary White, et al., of which decision you were advised by mail on the 3rd day of December, 1902.

Respectfully,

Tams Bixby.

Chairman.

M.C.R. 8402

COPY.

Muskogee, Indian Territory, March 24, 1903.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary White, et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

M.C.R. 5402

COPY.

Muskogee, Indian Territory, March 24, 1903.

Mary White,

Pickens, Mississippi.

Dear Madam:

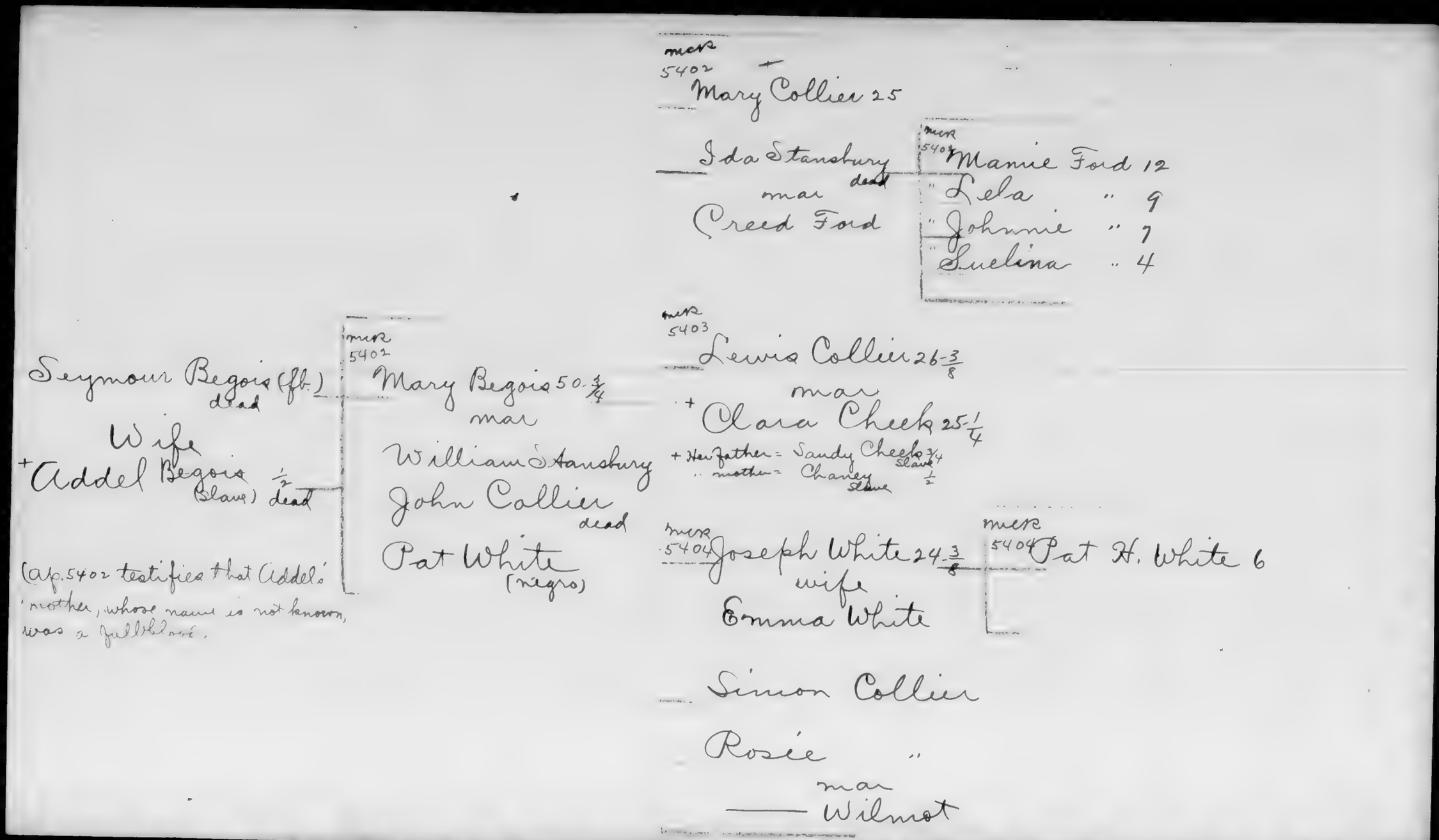
You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary White, et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

Tams Bixby.

Chairman.

Card No.	NAME	RESIDENCE DISTRICT	POST OFFICE	Age	Sex


mcr 5402
Mary Collier 25
Ida Stansbury dead
mar
Creed Ford
mcr 5402
Manie Ford 12
" Lela " 9
" Johnnie " 7
" Suelina " 4
mcr 5403
Lewis Collier 26-3/8
mar
+ Clara Cheeks 25-1/4
+ Her father = Sandy Cheeks 3/4 Slave
" mother = Chaney Slave 1/2
mcr 5402
Seymour Begois (ff.) dead
Wife
+ Addel Begois (Slave) 1/2 dead
(Ap. 5402 testifies that Addel's mother, whose name is not known, was a full blood.
Mary Begois 50. 3/4
mar
William Stansbury
John Collier dead
Pat White (negro)
mcr 5404
Joseph White 24-3/8
wife
Emma White
mcr 5404
Pat H. White 6
Simon Collier
Rosie "
mar
—— Wilmot

#2095

No. 5102

For Identification as a Mississippi Choctaw.

Meridian Miss.
Date APR 21 1902

Name Mary White

Age 50 Blood 3/4

Post Office, Pichens, Miss

Father: Seymour Pegois (full) d

Mother: Adele " 1/2 d

Claims through husband on the parents.

Pat White —
no claim for husband

For all of the enrolled daughters and minor grandchildren.

Children:

Mary Collier 25
Father John " (no Choc. blood) d

Mamie Ford 12
Lela " 9
Johnnie " m 7
Suelina " 4
Father Creed Ford (no Choc.) d
Mother Ida " (3/8) d

Stenographer L. L. Niles

Choctaw MCR 5403

Lewis Collier

See MCR 5402

MCR 5403

5403.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 24th, 1902.

In the matter of the application of Lewis Collier for the identification of himself and wife, Clara Collier, as Mississippi Choctaws.

APPEARANCES: S.A.Beadle, Attorney for applicant,
A.W.Jones, Agent for applicant.

Said Lewis Collier, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Lewis Collier.
Q How old are you? A I am twenty-six.
Q How much Choctaw blood have you? A Three-eighths.
Q What's your postoffice address? A Pickens, Mississippi, Holmes County.
Q How longhave you lived in Holmes? A I've lived there near fifteen years.
Q Where did you live before that? A I lived in Holmes first and then moved to Yazoo and then back to Holmes.
Q Lived in those two counties all your life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A John Collier.
Q Is your mother living? A Yes sir.
Q What's her name? A Mary White.
Q Is she the Mary White who just appeared before the Commission?
A Yes sir.
Q You get your Choctaw blood solely through your mother, do you?
A Yes sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What's her name? A Clara.
Q Has she any Choctaw blood? A Yes sir.
Q How much? A One quarter.
Q Do you want to make application for her too? A Yes sir.
Q How old is she? A She's twenty-five years old.
Q Were youmarried to her under a license? A Yes sir.
Q Where? A Yazoo.
Q When? A I've Been married eight years this coming August.
Q Who married you? A A preacher--T.C.Sims.
Q Where has she lived all her life, your wife Clara? A She lived backwards and forwards in Yazoo and Madison Counties.
Q She lived in thosetwo counties all her life? A Yes sir.
Q Is her father living? A Yes sir.
Q What's his name? A Sandy Cheek.
Q Whatwas your wife's mother's name? A Cheney.
Q Through which one of her parents did your wife get her Choctaw blood? A From her father.
Q Mother had none? A Yes sir, her grandmother was a full blood Indian.
Q I am talking about her mother, did she have any Choctaw blood?
A Yes sir.
Q Your wife's mother's mother or her grandmother was a full blood?
A Her grandmother.

Q Your wife's mother,then,had how much Choctaw blood? A I don't know,sir,how much; they claimed that my wife's mother's mother was a whole Indian.
Q How much Choctaw blood do you claim your wife,s father has?
A He says he's got three-quarters.
Q Was he ever been before this Commission? A No sir.
Q Has he lived in Mississippi all his life? A No sir,he's a traveling man, stays in one place and while and xthen another,but he makes Mississippi hk home.
Q Where was he born? A Born in Madison County.
Q Was he a slave? A Yes sir,I think he was.
Q Was your wife's mother a slave? A No sir,I think she was a young woman then.
Q Was she born in slavery? A Yes sir.
Q Do you know the name of your wife's father's father? A No sir.
Q Or your wife's father's mother? A No sir.
Q Do you know the name of your wife,s mother's father? A No sir.
Q Or your wife's mother's mother? A No sir.
Q You don't know,then,the name of any one of your wife's ancestors further back than her father and mother? A No sir.
Q You know nothing whatever about them or where they lived? A No sir,they said they lived in Madison County all their lives but xx I don't know it.
Q Have you any children living? A No sir.
Q This application,then,is for yourself and wife only? A Yes sir.
Q Has any application of any description everbeen made before today for you or your wife for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and wife under article 14 of the treatyof Dancing Rabbit Creek? A I do.
Q You understand that 14th article? A I think I do.
Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not to my knowing.
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty was made? A Not to my knowing.
Q Did any of them live here at that time to your knowledge? A No sir,not to my knowing.
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not to my knowing.
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi,for the Choctaws,know that they wanted to stay here and become citizens of the States and take land? A No sir,not to my knowing.
Q Did any of them ever get any land from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir,not to my knowing.
Q Did any of them ever get any land or money from the Government as Choctaw Indians? A No sir,not to my knowing.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the states and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and th y came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors ever appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir not to my knowing.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should be entitled to select, in place thereof, land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ever get any of this scrip from the Government under this act of Congress? A No sir, not to my knowledge.
Q You never heard of any of your wife,s ancestors having appeared before these Commissioners that I have just told you about? A wo sir
Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions or the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q You don't know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence of any kind to offer at this time? A No sir.
Q Have you any witness here today to testify in your case? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q Has your wife any brothers living? A No sir.
Q Any sisters? A Yes sir.
Q How many? A Two.
Q What are their names? A Liza Wilkes and Ella Wilkes.
Q Are they married? A Yes sir.
Q Have they been before the Commission? A No sir.
Q Where do they live? A They live in Yazoo County.
Q Has your wife any brothers or sisters dead who left children? A I heard her say that she had a sister dead--she died when she was a baby.
Q Has your wife's father any brothers or sisters living? A Yes sir.
Q Do you know their names? A Yes sir, some of them.
Q Name them? A Frank Cheek, Oscar Cheek, Kinch Cheek.
Q Next one? A That's all.
Q Where do they live? A Madison County.
Q Have they been before the Commission? A Not to my knowing.
Q Has your wife's father any brothers or sisters dead who left children? A No sir, not that I know of.
Q Has your wife's mother any brothers or sisters living? A Yes sir
Q How many? A Two.
Q What are their names? A John King and Henry King.
Q Where do they live? A I think John King lives in Bolivar County.
Q Next one? A Henry Lives in Holmes County.
Q Have they been before the Commission? A No sir.
Q You don't speak or understand the Choctaw language? A No sir.

The applicant has the features, facial expression and color of a full blood negro but his hair indicates that he might be possessed of a very small proportion of white or Indian blood--does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full

all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 24th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

L. K. Rees

Subscribed and sworn to before me this the 6th day of May, 1902, at Muskogee, Indian Territory,

Charles H. Sawyer

Notary Public.

M.C.R. 5408.

COPY.

Muskogee, Indian Territory, December 3, 1903.

Lewis Collier,

Pickens, Mississippi.

Dear Sir:

You are hereby advised that on the 3d day of December, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary White, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary White, et al.	M.C.R. 5403
Lewis Collier, et al.	M.C.R. 5405
Joseph White, et al.	M.C.R. 5404

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary White, Mary Collier, Mamie Ford, Lela Ford, Johnnie Ford, Suelina Ford, Lewis Collier, Clara Collier, Joseph White and Pat H. White as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby.
Acting Chairman.

Registered.

M.S.H. 3408

COPY.

Muskogee, Indian Territory, March 24, 1903.

Lewis Collier,

Pickens, Mississippi.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary White, et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

SIGNED

James Bixby.

Chairman.

No.

r Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 24 1902

Name Lewis Collier

Age 26 Blood 3/8

Post Office, Pickens, Miss.

Father: John Collier d

Mother: Mary White d

Claims through mother.

Wife Clara Collier (1/4) 25

Father Sandy Creek (3/4) d

Mother Chaney " (1/2) d

Children:

1/

Stenographer A. S. Nales

Choctaw MCR 5404

Joseph White

See MCR 5402

MCR 5404

5402

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 24th, 1902.

In the matter of the application of Joseph White for the identification of himself and one minor child, Pat H. White, as Mississippi Choctaws.

APPEARANCES: S.A.Beadle, Attorney for applicant,
A.W.Jones, Agent for applicant.

Said Joseph White, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Joseph White.
Q How old are you? A Twenty-four.
Q How much Choctaw blood have you? A Three-eighths.
Q What's your postoffice address? A Pickens, Mississippi.
Q What County? A Holmes County.
Q How long have you lived in Holmes County? A I been living there all my life.
Q Is your father living? A yes sir.
Q What's his name? A Pat White.
Q Is your mother living? A Yes sir.
Q What's her name? A Mary White.
Q Has your father any Choctaw blood? A No sir.
Q Is the Mary White who appeared before the Commission here today your mother? A Yes sir.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q What's her name? A Emma.
Q Has she any Choctaw blood? A no sir.
Q You make no claim for her then? A No sir.
Q Have you any children living? A yes sir.
Q How many? A One.
Q What's that child's name? A Pat H. White.
Q How old is he? A He's six years old.
Q Is he living with you at this time? A Yes sir.
Q Is he the child of yourself and Emma White? A Yes sir.
Q Were you married to Emma under a license? A Yes sir.
Q When? A 1895 I believe--I've been married about seven years.
Q Where where you married to her? A In Yazoo County.
Q Who marriedyou? A Sam Dend.
Q What official position did he hold at that time? A Minister of the Gospel.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Emma for use in connection with the application you make in behalf of your minor child. This evidence should be furnished within a period of thirty days from this date.

Q This applicationis for yourself and one minor child, is that right? A Yes sir.

Q Has any application of any description ever been madebefore today for you or this minor child for the purpose of establishing your rights as Choctaw Indians? A Not that I know of.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q You understand that 14th article? A Yes sir.
Q You heard the entire examination of your mother,Mary White,did you not? A Yes sir.
Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek than what is disclosed by her testimony? A No sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit creek or ever received any benefits under that article? A No sir,not that I know of.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence to offer at this time? A No sir.
Q Any witnesses here today to testify in your behalf? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q What relation are you to Lewis Collier who appeared here today?
A Brother.
Q Full brother? A No sir,half brother.
Q You have the same mother? A Yes sir.

The applicant has the features,facial expression and color of a negro but his hair indicates that he might be possessed of a small proportion of white or Indian blood--does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 24th,1902,and that the above and foregoing is a full true and correct transcript of his stenographic notes taken in said proceedings on said date.
Subscribed and sworn to before me this the 6th day of May,1902,at Muskogee,Indian Territory.

Charles Habenicht Notary Public.

M.C.R. 5404.

COPY.

Muskogee, Indian Territory, December 3, 1902.

Joseph White,

Pickens, Mississippi.

Dear Sir:

You are hereby advised that on the 3d day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary White, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary White, et al.	M.C.R. 5402
Lewis Collier, et al.	M.C.R. 5405
Joseph White, et al.	M.C.R. 5404

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary White, Mary Collier, Mamie Ford, Lela Ford, Johnnie Ford, Suelina Ford, Lewis Collier, Clara Collier, Joseph White and Pat H. White as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be [redacted] to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) Tams Bixby,
Acting Chairman.

Registered.

M.C.R. 5404

COPY.

Muskogee, Indian Territory, March 24, 1903.

Joseph White,

Pickens, Mississippi.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary White, et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

No. 5104

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 24 1902

Name Joseph White

Age 24 Blood 3/8

Post-Office, Pickens, Miss.

Father: Pat White — L

Mother: Mary " L

Claims through mother.

wife Emma White L

no claim for wife.

Children:

Pat H. White 6.

Non-resident 1 one child.

I. A. Kilgore

Choctaw MCR 5405

Melzoura L. Scott

See MCR 5407, 5406

MCR 5405

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Melsoura L. Scott, et al., for identification as Mississippi Choctaws, consolidating the applications of

Melsoura L. Scott,	M. C. R. 5405
Alonzo Ellis, et al.,	M. C. R. 5407
Nellie Scott, et al.,	M. C. R. 5406

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

	Page.
Original application of Melsoura L. Scott for identification as a Mississippi Choctaw.	1
Original application of Alonzo Ellis, et al., for identification as Mississippi Choctaws.	7
Examination of Richard W. Shackelford before the Commission in support of application.	9
Certified copy of marriage record of Alonzo Ellis and Mary Woodward.	11
Original application of Nellie Scott, et al., for identification as Mississippi Choctaws.	12
Decision of the Commission refusing the consolidated application of Melsoura L. Scott, et al., for identification as Mississippi Choctaws.	15

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5 dos

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 24th, 1902.

In the matter of the application of Melzoura L. Scott for identification as a Mississippi Choctaw.

APPEARANCES: A.W.Trotter, Attorney for applicant.

Said Melzoura L.Scott, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's yourname? A Melzoura L. Scott.
Q How old are you? A I am fifty-one years old.
Q How much Choctaw blood have you? A My mother was a full blood Indian.
Q What was your father? A A white man.
Q Then you would be a half? A Yes sir.
Q What's your postoffice address? A Heckla.
Q What County? A Perry County.
Q How long have you lived in Perry County, Mississippi? A Little over a year.
Q Where did you live before that? A In Lauderdale County.
Q How long did you live here? A I lived there sixteen years.
Q Where did you live before that? A I lived in Alabama.
Q What county? A Sumter County.
Q How long did you live there? A I don't know--ever since I could remember.
Q Were you born there? A Yes sir, I reckon I was.
Q Is your father living? A No sir.
Q What was his name? A Leroy Barker.
Q Is your mother living? A No sir.
Q What was her name? A Annie Scott.
Q Are you sure she was a full blood Choctaw? A Yes sir.
Q How long has she been dead? A She's been dead nearly a year.
Q Did she ever appear before this Commission? A No sir, not that I know of.
Q Where was she born? A I don't know sir.
Q Do you know where she lived prior to your birth? A No sir, I don't know nothing about that.
Q How old was she when she died? A I don't know that--she didn't know her age herself.
Q About how old do you think she was? A I think she was about eighty years old.
Q Did she have a Choctaw name? A Not that I knowof--she didn't even speak Indian.
Q You can't speak or understand the Choctaw language? A No sir.
Q You are sure she was a Choctaw Indian, are you? A Yes sir--according to what she said--of course that's all I know about it.
Q Do you know the name of your mother's mother? A Her mother was named Martha.
Q Did you ever see her? A Yes sir, I've seen her.
Q Was she a full blood Choctaw? A Yes sir.
Q What other name did she have? A Martha Scott.
Q How long has she been dead? A She's been dead about twenty-six years.

Q About how old was she when she died? A About seventy-five--as near as I know. She didn't know how old she was.
Q Do you know where she was born? A No sir.
Q Did she live here in Mississippi all her life,or do you know? A No sir,she lived in Alabama most of her life.
Q Do you know where she was born? A No sir,I don't know that.
Q Do you know the names of her parents? A No sir.
Q Could she speak the Choctaw language? A No sir,she couldn't speak it.
Q Do you know the name of your mother's father? A No sir.
Q Did you ever see him? A No sir.
Q Was he a full blood Choctaw? A I don't know what he was; I don't know anything at all about him.
Q Never heard your mother say,did you,whether he was a full blood or not? A No sir, I never heard her say. I don't know anything further back than my grandmother--I seen her.
Q Did Martha have a Choctaw name? A No sir.
Q Were any of your ancestors ever slaves,to your knowledge? A No sir,not that I know of.
Q You have no negro blood that you know of? A No sir.
Q Are you married? A No sir.
Q Have you ever been married? A No sir.
Q This application,then,is for yourself only? A Yes sir.
Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir,not that I know anything about.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September,1830,between the Government of the United States and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived herein Mississippi and along the western edge of the state of Alabama. The object of the treaty was to get these Indians to move fromthe country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of these Indians were unwilling to leave this country and for the benefit of those who preferred to stay here in Mississippi and become citizens of the States what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out west to the new nation might receive land here in Mississippi from the Government; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to

do so by sign fying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres ofland,to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age,to adjoin the location of the parent. If they reside upon said land,intending to become citizens of the States,for five years after the ratification of this treaty,in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilge of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article now? A Yes sir,I guess I do.
Q Did any of your ancestors-your old folks-your forefathers-ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not that ever I knowed anything about.
Q Did any of them own an improvement herein the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir,not that I know anything about.
Q Do you know whether any of them lived here at that time-onearly 72 years ago? A No sir,you see I couldn't tell that faf back.
Q Did any of them remove to the present Choctaw Natbn in Indian Territory at the time of the removal of the greater portionof the Choctaw Tribe of Indians between the years 1833 and 1838? A Not that ever I knowed anything about.
Q Do you know whether any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi,for the Choctaws,know that they wanted to stay here and become citizens of the states and take land? A No sir,I don't know about that.
Q Did any of your ancestors everget any land from the Government under article 14 of the treaty of Dancing Rabbit Creek? A None that ever I knowed of.
Q So far as you know,none of your ancestors ver received any benefits whatever as Choctaw Indians,then? A No sir,not that I know of.

In accordance with the provisions of this 14th artide of the treaty of Dancing Rabbit Creek the Government of the United states directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens and take land. The records of the Government show that this Agent failed to register and report kkm to the Government the names of many Indians who didin fact let him know khat they wanted to stay here and become citizens and take land and on this account the Government,at its public land sales here in

Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive from the Government under article 14 of the treaty. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1838 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir,not that I know anything about.

An act of Congress approved the 23rd day of August,1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should be entitled to select,in place of theland so sold by the Government,land some place else here in Mississippi or in Alabama,Louisiana or Arkansas,from Vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir,not that ever I know anything about.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir,not a one.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.
Q Any witnesses to testify in your case? A Yes sir, Mr. Walter Shackelford.
Q What do you expect to prove by him? A He knowed my mother--he seen my mother.
Q Is that allhe knows about your case? A He's been knowing me and my mother and all of my mother's family.

By Mr. Trotter:
I will try to psve by him that he knew her mother to be a full blood Indian squaw--she was a recognized member of the Mississippi Choctaw Tribe of Indians living in Mississippi--that he knew her in this Stateand she died here and knows her to be the mother of this applicant.

By the Commission:
He does not know whether any of the ancestors of the applicant ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek?

Mr.Trotter:
No sir.

Examinationby the Commission.

Q Is Mr.Shackelford any relation to you? A No sir.
Q Is he interested in any way in the result of your application?
A No sir.
Q Are there any further statements you want to make at this time in support of your application? A No sir.

If you should find any further witnesses whose testimony you desire to have taken befos the Commission they may appear before us here at Meridian bet ween now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

Q Have you any whildren living? A One.
Q What's that child's name? A Alonzo Ellis.
Q Is his father living? A I don't know whether he's living or not.
Q What was his name? A Dave Fluker.
Q Did he have any Choctaw blood? A No sir,he was a white man.
Q Have you any children dead? A One.
Q How old was it when it died? A She was about five years old.
Q Have you any brothers living? A Two.
Q What are their names? A Ben and Henry Scott.
Q Where do they live? A Ben lives in Sumter County,Alabama, and Henry lives in Marion County,Mississippi.
Q Are they both full brothers of yours? A No sir,Ben is a half brother but Henry is my whole brother.
Q Have they ever been before the Commission? A Ben has but Henry hasn't.
Q Did Ben's father have any Choctaw blood? A He was a full blood Indian--he says--I never did see him. I don't know anything about his father.
Q About how old a man is Ben Scott? A He's older than I am but I don't know how old he is.
Q Do you know his father's name? A No sir.

Q Have you any brothers dead? A Five dead.
Q Did any of them leave children? A No sir.
Q Have you any sisters living? A One.
Q What's her name? A Mollie Scott-she's here today.
Q Has she any children? A She has five.
Q Have you any other sisters living? A No sir.
Q Did you everhave any other sisters? A Had two.
Q Did either of them leave children? A One of them did.
Q Are any of these children living now? A Yes sir,two living.
Q What are theirnames? A Fannie and Sallie Scott.
Q About how old are they? A I think Fannie is about thirty-five and Sallie is about thirty-three I guess,as well as I can remember.
Q Where do they live? A Fannie lives with me.
Q Where does Sallie live? A She lives herein Meridian somewhere.
Q Are either of them married? A No sir.
Q Have either of them been before the Commission? A I don't know whether Sallie has or not but Fannie hasn't.
Q They are daughters all and of a full sister of yours? A Yes sir
Q What was hername? A Paralee Scott.
Q Was your mother any brothers or sistes living? A No sir.
Q Did she everhave any brothers or sisters to your knowledge? A She had one brother.
Q What was his name? A Seaborn Scott.
Q Did you ever see him? A Yes sir,I've seen him.
Q Was he a full blood Choctaw? A Yes sir.
Q Did he leave any children? A No sir.
Q Did your mother everhave any sisters? A No sir-not that ever I heard her say anything about.

The applicant has straight,black hair--dark eyes and dark skin--her cheek bones are rather inclined to be high--she has the appearance of being possessed of a mixture of white and Indian blood--does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 24th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 7th dayof May,1902,at Muskogee,Indian Territory.

Charles McLaughlin

Notary Public.

L. A. L.
Cow.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Melsoura L. Scott, et al., for identification as Mississippi Chactaws, consolidating the applications of

Melsoura L. Scott,	M C R 5405
Alonzo Ellis, et al.,	M C R 5407
Mollie Scott, et al.,	M C R 5406

DECISION:—

It appears from the record herein that applications for identification as Mississippi Chactaws were made to this Commission by Melsoura L. Scott for herself; by Alonzo Ellis for himself and his minor child, Virgie M. Ellis; and by Mollie Scott for herself and her five minor children, Jeannie, Emma, Jack, Annie and Baby Miller, under the following provision of the act of Congress approved June 28, 1906, (34 Stat., 495):

"said Commission shall have authority to determine the identity of Chactaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, [illegible] September [illegible] hundred and thirty, and to [illegible] and may [illegible] and all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Martha Scott who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Martha Scott, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 188), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Melsoura L. Scott, Alonzo Ellis, Virgie M. Ellis, Mollie Scott, Jennie Miller, Emma Miller, Jack Miller, Annie Miller and Baby Miller as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Tams Bixby.
Acting Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

DEC 4 1902

M.C.R. 5405

COPY.

Muskogee, Indian Territory, December 4, 1902.

A. W. Trotter,

Attorney at Law,

Shubuta, Mississippi.

Dear Sir:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Melzoura L. Scott, et al., embracing the following applications for identification as Mississippi Choctaws:

Melzoura L. Scott,	M.C.R. 5405
Alonzo Ellis, et al.,	M.C.R. 5407
Mollie Scott, et al.,	M.C.R. 5406

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Melzoura L. Scott, Alonzo Ellis, Virgie M. Ellis, Mollie Scott, Jennie Miller, Emma Miller, Jack Miller, Annie Miller

and Baby Miller as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Chas. Dy Tams Rivers
Acting Chairman.

Registered.

M.C.R. 5405

COPY.

Muskogee, Indian Territory, December 4, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Melsoura L. Scott, et al., embracing the following applications for identification as Mississippi Choctaws:

Melsoura L. Scott,	M.C.R. 5405
Alonzo Ellis, et al.,	M.C.R. 5407
Mollie Scott, et al.,	M.C.R. 5406

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Melsoura L. Scott, Alonzo Ellis, Virgie M. Ellis, Mollie Scott, Jennie Miller, Emma Miller, Jack Miller, Annie Miller and Baby Miller as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that the principal applicants in this case have been allowed fifteen days from the date hereof within

which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) Tams Bixby.
Acting Chairman.

COPY.

M.C.R. 5405

Muskogee, Indian Territory, December 4, 1902.

Melsoura L. Scott,

Heckla, Mississippi.

Dear Madam:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Melsoura L. Scott, et al., embracing the following applications for identification as Mississippi Choctaws:

Melsoura L. Scott,	M.C.R. 5405
Alonzo Ellis, et al.,	M.C.R. 5407
Mollie Scott, et al.,	M.C.R. 5406

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Melsoura L. Scott, Alonzo Ellis, Virgie M. Ellis, Mollie Scott, Jennie Miller, Emma Miller, Jack Miller, Annie Miller

and Baby Miller as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Bixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Melsoura L. Scott, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 4, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Melsoura L. Scott,	M.C.R.	5405
Alonso Ellis, et al.,	"	5407
Mollie Scott, et al.,	"	5406

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc.
M.C.R. 5405.

(COPY)

Land.
76161-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following parties, wherein a decision adverse to the applicants was rendered by the Commission on December 4, 1902.

Melzoura L. Scott; Alonzo Ellis, for herself and child Virgie M. Ellis; Mollie Scott, for herself and five children, Jennie, Emma, Jack, Annie and Baby Miller.

It appears from the evidence in this case that the applicants base their claim to identification on their descent from Martha Scott and Annie Scott, who, it is claimed, were citizens of the Choctaw Nation and resided in the Choctaw Nation, Mississippi or Alabama in 1830.

The Commission bases its decision rejecting these parties

on the ground that its records do not show that Martha Scott or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that the names of Martha Scott and Annie Scott do not appear in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is recommended that the decision of the Commission be approved.

Very respectfully,

(Signed) A C Tonner.

Commissioner.

E.B.H. Hgr.

3 enclosures.

D.C. 6992,1903. (COPY) EAF.

[redacted]868-1903. DEPARTMENT OF THE INTERIOR. March 10, 1903.

WASHINGTON.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

December 20, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Melzoura L. Scott; of Alonzo Ellis and his minor child, Virgie M. Ellis; and of Mollie Scott and her minor children, Jennie, Emma, Jack, Annie and Baby Miller. You refused the applications December 4, 1902.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Martha Scott and Annie Scott, who are alleged to have been Choctaw Indians.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat. ,513).

Reporting December 4,1902, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department, upon a careful review of the record, finds no reason to modify your decision, and it is accordingly affirmed.

Respectfully,

(Signed) F.L.Campbell

Acting Secretary.

1 inclosure.

M.C.R. 5405

COPY.

Muskogee, Indian Territory, March 21, 1903.

A. W. Trotter,

Attorney-at-Law,

Shubuta, Mississippi.

Dear Sir:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Melzoura L. Scott, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

M.C.R. 5406

COPY.

Muskogee, Indian Territory, March 21, 1903.

Melzoura L. Scott,

Keokla, Mississippi.

Dear Madam:

You are hereby notified that on the 10th day of March, 1903 the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Melzoura L. Scott, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

SIGNED

Chairman.

M.C.R. 5466

COPY.

Muskogee, Indian Territory, March 21, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Melsoura L. Scott, et al., of which decision you were advised by mail on the 4th day of December, 1902.

Respectfully,

(SIGNED) Tams Bixby.

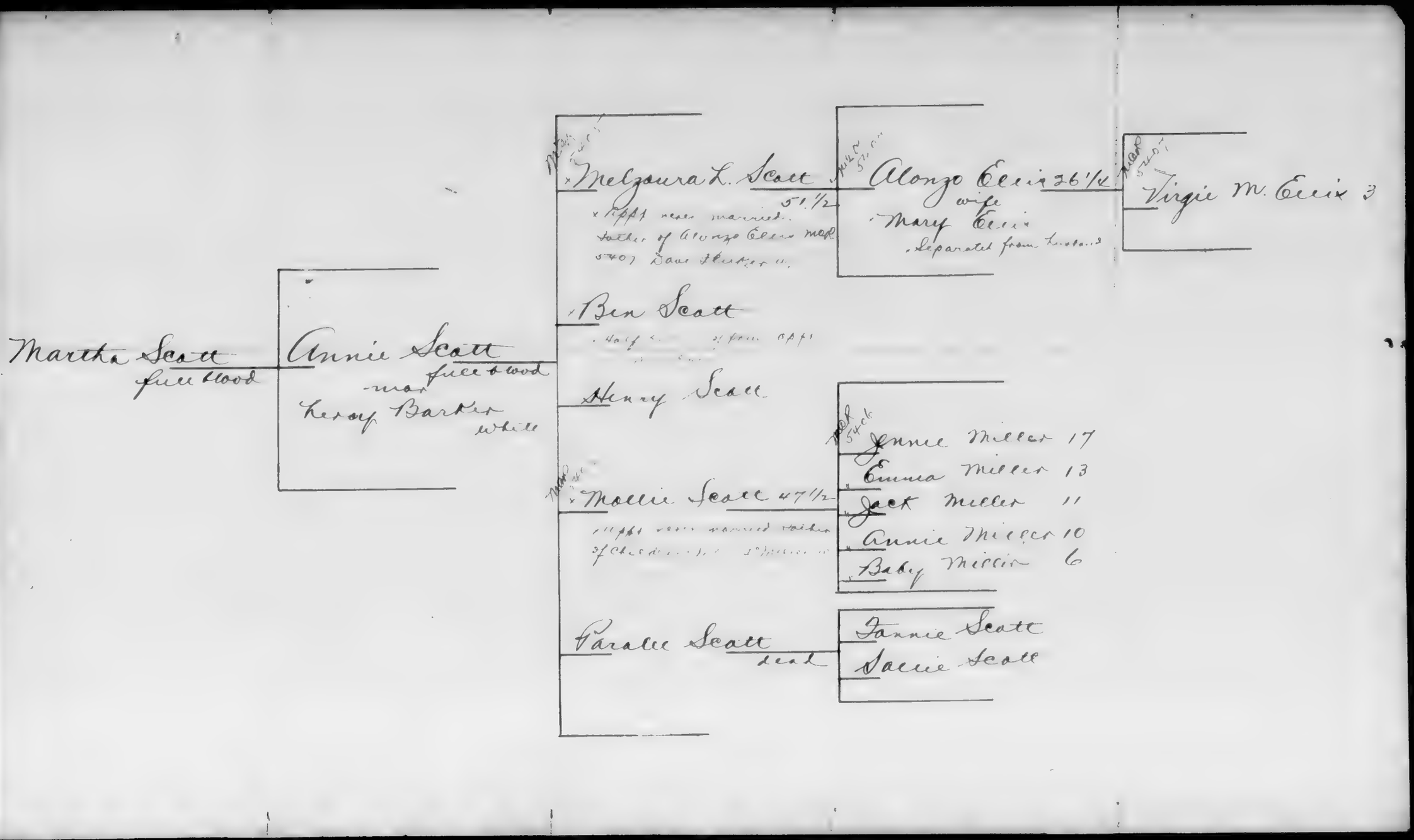
Chairman.

Card No.	NAME	RESIDENCE COUNTY	POST OFFICE	Acre	Sec

REFERRED M. C. R. 5405

Melgoura L. Scott
et al

Consolidated Case


Martha Scott
free blood
Annie Scott
free blood
-mar
Leroy Barker
white
Melzoura L. Scott 51 1/2
Alonzo Ellis 36 1/2
wife
Mary Ellis
Virgie M. Ellis 3
Ben Scott
Henry Scott
Mollie Scott 47 1/2
Jennie Miller 17
Emma Miller 13
Jack Miller 11
Annie Miller 10
Baby Miller 6
Fannie Scott
Sallie Scott

#2101

No. 5405

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 24 1902

Name Melzoura L. Scott

Age 51 Blood 1/2

Post-Office, Neckla, Miss.

Father: Leroy Barker d

Mother: Annie Scott d

Claims through mother

For Allotment

Children:

mother's mother Martha Scott d

Stenographer J. S. Niles

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Forwarded.

Enclosure

Returned To

4753

REGISTERED. DEC 11 1902 MUSKOGEE, IND. TER.

Melzoura L. Scott,
Meridian Heckla, Misissippi.

[illegible] ED TRIBES

FEB [illegible] 1903

[illegible] ACTING CHIEF

[illegible]

FEB [illegible] 1903

MUSKOGEE, IND. TER.

MISS

DEC 1902

[illegible]

Choctaw MCR 5406

Mollie Scott

See MCR 5405

MCR 5406

5406

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 24th, 1902.

In the matter of the application of Mollie Scott for the identification of herself and five minor children, Jennie, Emma, Jack, Annie and Baby Miller, as Mississippi Choctaws.

APPEARANCES: A. W. Trotter, Attorney for applicant.

Said Mollie Scott, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Mollie Scott.
Q How old are you? A I think I'm about forty-seven or forty-eight years old.
Q How much Choctaw blood have you? A I reckon I'm a half.
Q What's your postoffice address? A Heckla, Mississippi.
Q What County? A Perry County.
Q How long have you lived in Perry County? A Since a year last March.
Q Where did you live before that? A I lived in Lauderdale County.
Q How long did you live here in Lauderdale? A About sixteen or seventeen years; I don't remember exactly.
Q Where did you live before that? A I lived in Alabama.
Q What County? A Sumter.
Q Born over there? A Yes sir, I reckon I was.
Q Is your father living? A No sir, he died before I was born.
Q What was his name? A Leroy Barker.
Q Is your mother living? A No sir, she's dead.
Q What was her name? A Ann Scott.
Q How much Choctaw blood did your mother have? A She said she was a full blood.
Q Your father had no Choctaw blood? A No sir, I don't suppose he did; my ma said he was a white man--I never did see him.
Q Do you speak the Choctaw language? A No sir.
Q Did your mother? A No sir.
Q Do you know the name of your mother's mother? A Yes sir.
Q What was it? A Martha Scott.
Q Was she a full blood Choctaw? A Yes sir, that's what they say.
Q You have seen her, haven't you? A Yes sir, I can tell a full blood from anything else.
Q How long has your grandmother been dead? A She's been dead a long time--about twenty-five or twenty-six years, I reckon.
Q Do you know where she was born? A No sir.
Q Where was your mother born? A I don't know, sir.
Q Are you a full sister of Nelsoura L. Scott who has just given in her testimony before the Commission? A Yes sir.
A Are you married? A No sir.
Q Have you ever been married? A No sir.
Q Have you any children living? A I got five.
Q What are their names and ages? A Jennie,
Q How old is she? A Seventeen.
Q Next one? A Emma.
Q How old? A Thirteen.

Q Next one? A Jack.
Q How old? A Eleven.
Q Next one? A Annie.
Q How old? A Ten.
Q Next one? A Baby.
Q Is that all the name she has? A Yes sir.
Q How old is she? A Six yeas old.
Q Is that all of your children living? A Yes sir.
Q Are these children all living with you at this time? A No sir, one of them stays with my sister all the time but the others stay with me. I let that one stay with her.
Q How far does your sister live from you? A About two and a half miles.
Q Is the father of these children living? A I don,t know,sir.
Q What's his name? A Moses Miller.
Q Has he any Choctaw blood? A No sir.
Q What is he? A A white man.
Q What surname do you give these children? A Miller.
Q They are known by the name of Miller,then,are they? A Yes sir.
Q This application is for yourself and five minor children? A Yes sir.
Q Has any application of any description ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A Not as I know of.
Q Do you appear before the Commissionat this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q You heard the examination in full of your sister Melzoura L. Scott,did you not? A Yes sir.
Q Do youknow anything further with reference to whether anyof your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek than what has been disclosed by her testimony? A No sir.
Q If any of your ancestors ever received any benefits whatever as Choctaw Indians you never heard of it? A No sir,never heard of it.
Q Never heard of any of them ever having gotten any land,money or scrip from the Government? A No sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the Treaty of Danding Rabbit Creek or ever received any benefits under that article? A No sir, I don't.
Q Do you know ofany written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.
Q Have you any witnesses here today to testify inyour case? A Nobody but Mr Shackelford.
Q Mr.Shackelford is no relation to you,is he? A No sir.
Q Not interested in any way in the result of your application? A No sir.

If you should find any other witnesses whose testimony you desire to have taken before the Commission they may

appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskoge e,Indian Territory,and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

The applicanthas straight,black hair--dark eyes and dark skin--her cheek bones are rathr inclined to be high--she has the appearance of being possessed of a mixture of white and Indian blood--does not speak or understand the Choctaw language.

Ira S.Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes,he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 24th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

I. S. Niles

Subscribed and sworn to before me this the 7th day of May,1902,at Muskogee,Indian Territory.

Charles H Sawyer

Notary Public.

M.C.R. 5406

COPY.

Muskogee, Indian Territory, December 4, 1902.

Mollie Scott,

Heckla, Mississippi.

Dear Madam:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Melsoura L. Scott, et al., embracing the following applications for identification as Mississippi Choctaws:

Melsoura L. Scott,	M.C.R. 5405
Alonzo Ellis, et al.,	M.C.R. 5407
Mollie Scott, et al.,	M.C.R. 5406

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Melsoura L. Scott, Alonzo Ellis, Virgie M. Ellis, Mollie Scott, Jennie Miller, Emma Miller, Jack Miller, Annie Miller

and Baby Miller as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) Tams Bixby.

Acting Chairman.

Registered.

M.C.R. 5406

Copy

Muskogee, Indian Territory, March 21, 1903.

Mollie Scott,

Heckla, Mississippi.

Dear Madam:

You are herebynnotified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Melzoura L. Scott, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

Tams Bixby.

Chairman.

No. 5106

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 21 1902

Name Mollie Scott

Age 47 Blood 1/2

Post-Office, Decker Miss

Father Leroy Parker d

Mother Ann Scott d

Claims through mother

For self & children

Children:

Jennie	Miller	17
Emma	"	13
Jack	"	11
Annie	"	10
Baby	"	6

Father Moses Miller (No Choc)

mothers - mother Martha Scott d

Stenographer I. L. Riley

Choctaw MCR 5407

Alonzo Ellis

See MCR 5405

MCR 5407

5210

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 24th, 1902.

In the matter of the applicationof Alonzo Ellis for the identification of himself and one minor child, Virgie M., as Mississippi Choctaws.

APPEARANCES; A.W.Trotter, Attorney for applicant.

Said Alonzo Ellis, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Alonzo Ellis.
Q How old are you? A Twenty-six years old.
Q How much Choctaw blood have you? A One-quarter.
Q What's your postoffice address? A Heckla, Mississippi.
Q What county? A Perry County.
Q How long have you lived in that county? A I suppose about eighteen months.
Q Where did you live before that? A Out here in Lauderdale.
Q How long did you live here in Lauderdale? A About sixteen years I guess.
Q Where did you live before that? A Born in Sumter.
Q Sumter County, Alabama? A Yes sir.
Q And ou lived there all your life until you came to Lauderdale? A Yes sir.
Q Is your father living? A Yes sir, I guess he is.
Q What's his name? A Dave Fluker.
Q Has he any Choctaw blood? A Not as I know of--he went for a white man.
Q Is your mother living? A Yes sir.
Q What's her name? A Melzoura L. Scott.
Q You get your Choctaw blood solely through her, then? A Yes sir.
Q Is she the Melzoura L. Scott who appeared before the Commission here today? A Yes sir.
Q Are you married? A Not now--I've been married--me and my wife separated.
Q Ever gotten a divorce from her? A She got a divorce.
Q How long have you been separated? A Nearly two years.
Q Where does she live? A She lives out here in Lauderdale about ix six miles from here.
Q What's her name? A Mary Ellis.
Q Has she any Choctaw blood? A If she had any I don,t know--she's mother's got something or other in her, Idon,t know whether its colored or what.
Q Have you any children living? A One.
Q What's her name? A Virgie M.
Q Is that child living with you? A With her.
Q With its mother? A Yes sir.
Q In the decree of divorce granted to your wife was she given custody of this child Virgie M.? A I don,t know, sir; I never made no inquiries about it. The divorce was granted during my absence a d I knew nothing about it.
Q How old is this child? A Three years old.

Q You want to make application in behalf of your child,do you? A Yes sir.
Q Were you married to Mary under a license? A Yes sir.
Q When? A In '97.
Q Where? A Lauderdale County.
Q Who married you? A Sherman Brookings,a preacher.
Q Have you your license with you today? A No sir.

It will be necessary foryou to furnish the Commission with proper evidence of your marriage to your wife Mary, for use in connection with the application you make in behalf of your minor child. This evidence should be furnished within a period of thirty days from this date.

Q This application is for yourself and one minor child,is that correct? A Yes sir.
Q Was any application of any description ever been made before today for you or this minor child for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory,for yourself and one minor child,under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Did you hear the entire examination of your mother Melzoura L.Scott? A Yes sir.
Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek than has been disclosed by her testimony? A No sir,I don't.
Q You never heardof any of your Choctaw ancestors ever having received any land or money or scrip from the Government of the United States? A No sir.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir,I don't know of none of the old ones.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
Q Have you any writtan evidence of any kind to offer at this time in support of your application? A No sir.
Q Have you any witnesses here today to testify in your case? A Mr.Shackelford--he knows my mother and grandmother.

If you should find any other witnesses whose testimony you desireto have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q Have you any brothers or sisters living? A No sir.
Q Did you ever have any? A One sister dead.

Q How old was she when she died? A About four or five years I guess.

The applicant has straight, black hair, dark complexion, dark eyes; he has the features and facial expression of a white person--does not speak or understand the Choctaw language.

Richard W. Shackelford, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Richard W. Shackelford.
Q How old are you? A Forty-four.
Q What's your postoffice address? A Meridian.
Q How long have you lived here in Lauderdale County? A About forty years.
Q Where did you live before that? A Choctaw County, Alabama. I was born in Choctaw County, Alabama.
Q What is your occupation? A Farmer.
Q Are you acquainted with the applicants Melzoura L. Scott, Mollie Scott and Alonzo Ellis? A Yes sir.
Q What relation do they bear to each other, respectively? A I have always understood that Mollie and Dorsey are sisters.
Q You refer to Melzoura? A Yes sir, they lived on a place of mine for ten or twelve years.
Q You have always understood that they were full sisters? A Yes sir.
Q What relation is Alonzo to them? A Alonzo is the son of Melzoura L. Scott--he worked for me a good many years. He worked for me ever since he was a small boy.
Q How long have you known these applicants? A I think it was back in '88 or '87, somewhere along there--I don't remember.
Q You are not related to any of them? A No sir.
Q Are youinterested in any way in the result of the application of either one of these persons? A No sir--I believe, though, that I was the first that ever called Alonzo's attention to this, when the Commission was here before.
Q Do you know whether these people have any Choctaw blood? A No sir, I knew the mother of the elder ones here.
Q What was her name? A She went by the name of Ann Scott---they always claimed that she was a full blood Choctaw. I knew that she always went by the name of the "old squaw". Of course I don't know whether she was or not.
Q When did you first see her? A It was along about the time I tell you--about '87 or '88.
Q Did she have the appearance of being a full blood Indian? A Yes sir, she had all the characteristics of an Indian.
Q Could she speak or understand the Choctaw language? A I don't know whether she could or not. I've seen her frequently.

Q Do you know where she lived before she came here to Lauderdale County? A I've always understood they lived in Alabama, somewhere on the Bigby River.
Q How old would this woman Ann Scott be if she were living now? A I don,t know,sir; she appearedto be quite old when I knew her.
Q Do you know who her father or mother was? A No sir,I never heard them mentioned but on one occasion. I was in the house on one occasion and she showed me a painting--I think it was of one of the presidents; but I don,t remember whether she told me whether it was given to her husband or her father or her hsband's father by some officer in Washington City. That was way long the last of the eighties.
Q When did she die-Ann Scott? A She died after this family moved away from here,I think.
Q About when did she die? A I think she must have died twelve or eighteen months ago. She didn't stay with these people all the time.
Q You understand article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you know whether any of the ancestors of any of these people ever complied or attempted to comply with its provisions or ever received any benefits under it? A I never heard of it if they did.
Q You never heard of any of them everhaving owned any land,did you? A Yes sir,it seems that lady owned some land but I think it was given to her by this woman's father. I think she told me once that she had two children by a full blood Choctaw, and the rest of her family was all by some white man that she lived with as man and wife. It seems that when he died he left this property to her.
Q You never heard that she ever got any land from the Government,did you? A No sir.
Q Did you ever har of any of these people ever receiving any benefits whatever as Choctaw Indians? A No sir.

Examination by Mr.Trotter:

Q Do you know Ben Scott? A Yes sir,I've seen him.
Q What relation is he to these applicants? A He claims to be a half brother.of Mollie Scott and Elzoura L. Scott but he claimed to be a full blood Choctaw.
Q What were his characteristics? A He looked very much like an Indian.

Commission:
The witness is a white man of average intelligence.

Ira S. Miles,being first duly sworn,states that as stanographer to the Commission to the Five Civilized Tribes,he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 24th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Miles

Subscribed and sworn to before me this the 7th dayof May,1902,at Muskogee,Indian Territory.

Charles H. Gaunon Notary Public.

M.C.R. 5407

COPY.

Muskogee, Indian Territory, December 4, 1902.

Alonzo Ellis,

Reckla, Mississippi.

Dear Sir:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Melsoura L. Scott, et al., embracing the following applications for identification as Mississippi Choctaws:

Melsoura L. Scott,	M.C.R. 5405
Alonzo Ellis, et al.,	M.C.R. 5407
Mollie Scott, et al.,	M.C.R. 5406

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient todetermine the identity of Melsoura L. Scott, Alonzo Ellis, Virgie M. Ellis, Mollie

Scott, Jennie Miller, Emma Miller, Jack Miller, Annie Miller and Baby Miller as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED Tams Bixby.

Acting Chairman.

Registered.

M.C.R. 5407

COPY.

Muskogee, Indian Territory, March 21, 1903.

Alonzo Ellis,

Heckla, Mississippi.

Dear Sir:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Melzoua L. Scott, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

(SIGNED)

Chairman.

#2103 No. 5407

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 24 1902
Date

Name Alonzo Ellis

Age 26 Blood 1/4

Post-Office, Heckla, Miss.

Father: Dave Flicker L

Mother: Milzoura L Scott L

Claims through mother

Children:

Virgie M. Ellis 3

Mother Mary " (no choc) L

Stenographer Irad S Niles

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.





Unclaimed

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Alonzo Ellis,

Heckla, Mississippi.

Meridian.

...E OF THE ...ER,
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FEB 10 1903

ACTING CHAIRMAN

DEC 27 1902

FEB 1903

Choctaw MCR 5408
George Sanders

MCR 5408

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George Sanders for identification as a Mississippi Choctaw, M.C.N. 5408.

List of papers forwarded to the Secretary of the Interior comprising the record in above case.

	(Page)
Original application of George Sanders to the Dawes Commission for identification as a Mississippi Choctaw	1
Testimony of Charles Williams	7
Affidavit in interrogatory form of James Anderson	9
Decision of the Commission refusing the application of George Sanders for identification as a Mississippi Choctaw	11

5208

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 25, 1902.

In the matter of the application of George Sanders for identification as a Mississippi Choctaw.

George Sanders, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A George Sanders.
Q How old are you? A I am about sixty four years old this 4th day of July.
Q How much Choctaw blood have you? A Half; my father was a whole Indian.
Q What's your post office address? A Clinton, Hinds County, Mississippi.
Q How long have you lived in Hinds County? A All my days.
Q Were you a slave? A Yes, sir.
Q Is your father living? A No, sir.
Q What was his name? A George Valentine.
Q You claim he was a full blood Choctaw? A Yes, sir.
Q Do you remember ever having seen him? A Yes, sir, he died five or six years before the Civil War.
Q About how old was he when he died? A He was over a hundred years old; he was about seventy years old then, seventy or eighty.
Q Where was he born? A I don't know, sir; he claims to come from Leflore County.
Q This State? A Yes, sir.
Q Did he have a Choctaw name? A His name was George Valentine; thats all I ever heard of him having.
Q Did he speak or undertand the Choctaw language A Yes, sir, he used to go with the Indians all the time when they was going out, and I was a little boy then.
Q Did he speak or understand the Choctaw language; are you certain about that? A No, sir, I don't know that.
Q Is your mother living? A No, sir.
Q What was her name? A Lucy.
Q Was she a slave? A Yes, sir.
Q What other name did she have? A Lucy Valentine they called her.
Q Was Lucy ever married to this man, George? A Well, they stayed together.
Q How long did they stay together? A Until they died.
Q Until he died? A Yes, sir, he died with her.
Q How many children did she have by him? A Five.
Q Was your father a slave? A No, sir, never was no slave.
Q Do you know the names of his parents? A No, sir, never heard of his parents that I knows of.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q Has she any Choctaw blood? A No, sir.

Q You make no claim for her? A No, sir.
Q Have you any children who are under twenty one years of age and unmarried? A No, sir.
Q This application, then, is for yourself only, is it? A Yes, sir.
Q Has any application of any description ever been made for you before today for the purpose of establishing your rights as a Choctaw Indian? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under article 14 of the Treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand that 14th article? A No, sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not move out west to the new nation, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A No, sir.
Q Don't understand it? A No, sir.

George Sanders, 3.

Well, the requirements contained inthat 14th article, you must understand, applied to Choctaws who lived here seventy two years ago, when this treaty was made, who preferred to stay here and not move west to the new nation. If a Choctaw who lived here at that time decided that he would prefer to stay here and take land under this 14th article, he was required by its terms to let an agent which the Government had here at that time, know within six months from the time the treaty was ratified; that is, six months from February 24, 1831, that he wanted to stay here and become citi ens of the States,and take land. He was then entitled to a reservation of one section of land, to be bounded by sectional lines of survey, and for each child in his family over ten years of age, he was entitled to an additional three hundred and twenty acres, or a half section, and for each child in his family under ten years of age, he was entitled to one hundred and sixty acres, and t the reservations for these children were required to adjoin the location of the parents, and the reservations made for these Indians were required under the 14th article to include the improvement of the head of the family as it exisited on the day the treaty wasmade, September 27, 1830. If an Indian lived on this land intending to become a citizen of the States for five years from February 24, 1831, he was entitled to a grant in fee simple covering the land; that is, the Government would give him a deed or patent to it, and it became the property of the Indian to dispose of as he saw proper. The concluding clause of that 14th article is, persons who claim under this article shall not losethe privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity. What is, if they ever move out to the new [redacted] nation west of the Mississippi River, they should not be entitled to any portion of the Choctaw annuity, which is money becoming due each year to the Choctaws from the Government of the United States under treaty provisions.

Q Now, did any of your fore-fathers ever comply or attempt to comply with the provisions o this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits under it? A No, sir, not as I knows of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not that I knows of.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?

Q Not that I knows of.

Q Did any of them, within six months after this treaty of Dancing Rabbit Crek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A Not that I kn knows of.

Q Did any of them ever claim or receive any land here in Mississippi from the Governm nt of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I knows of.

Q

Q If any of your ancestors ever receive any benefits as Choctaw Indians, then, you never heard of it? A No, sir.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to rgister and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointments of commissioners to come to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had ben sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1842, and heard a hreat many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I knows of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14tharticle of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of theland so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A Not that I knows of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A Mrs No, sir.
Q Have you any written evidence of any kind to offer at this time? A Yes, sir.

Affidavit of James Anderson is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

Q That all the evidence you have? A Yes, sir.
Q Any witnesses here today? A Yes, sir.
Q How many? A One.
Q What's his nam? A Charley Williams.
Q What do you expect to prove by him? A He knew my father all his days, ever since they was boys together; we lived adjoining fences and he knew my father from his boyhood up.
Q That all you expect to prove by him? A Yes, sir.
Q He doesn't know whether any of your people , any of them, ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever beceived any benefits under that article? A No, sir.
Q,

If you should find any other witnesses whose t estimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No, sir.
Q How many children haveyou living? A Seven.
Q What are their names? A Jordan Sanders.
Q Next one? A Kate Robertson.
Q Next one? A Ella Tayler.
Q Next one? A George Sanders.
Q Next one? A Floyd Sanders.
Q Next one? A Alex Sanders.
Q Next one? A Lulu Younger.
Q Next one? A That's all.
Q Have any of them been before the Commission? A No, sir.
Q Where do they live? A They live in Clinton.
Q Have you any brothers living? A No, sir.
Q Have you any brothers dead who left children? A Yes, sir.
Q How many brothers have you dead who left children? A One brother
Q What was his name? A Floyd Sanders.
Q How many children did he leave? A He left three, I think. They are scattered all over this world, so I can't hardly keep up with them.
Q What are their names? A Mal Hicks.
Q Woman? A Yes, sir, she married a Hicks.
Q Where does she live? A Out by Clinton.

Q Been before Commission? A No, sir.
Q Next one? A Lucy Crush.
Q Has she been before the Commission? A No, sir.
Q Where does she live? A She lives by Clinton.
Q Next one? A George Lucas.
Q How does he come to get the name of Lucas if he is your brother's son? A I don't know, sir.
Q His name would be Sanders? A Yes, sir.
Q But he goes by the name of George Lucas? A That was my brother's daughter, she married a Crush; that was my brother's daughter.
Q Who was George Lucas? A George Lucas is my brother's child; one of her children.
Q I am talking about your brother's children; she is a woman? A Mal Hicks.
Q That's one, now the next one? A Willie Sanders.
Q Next one? A Rose McNeedum.
Q Have they been before the Commission? A No, sir.
Q Those two are the children of your brother, Floyd? A Yes, sir.
Q Is that all of them? A Yes, sir.
Q Now, this Crush woman is a daughter of one of your brother's children? A Yes, sir.
Q Has your brother any children dead who left children? A No. sir.
Q Did you ever have any sisters? A Yes, sir.
Q How many? A Two.
Q Did either of them leave children? A One of them did.
Q What was the name of the one who died and left children? A Frances Lucas.
Q How many children did she leave? A She left 5.
Q Are all of them living? A No, sir, they are scattered over the world so, I can't tell.
Q What are the names of those five? A One named Dora Lucas.
Q Married? A I don't know, sir; they are away on the river.
Q Next one? A Henry Lucas.
Q Next one? A Fannie.
Q Married? A I don't know, sir.
Q Next one? A Priscilla.
Q She married? A No, sir.
Q Next one? A Frankie.
Q Boy? A No, sir, girl.
Q Married? A I don't know, sir; I don't know whether she is living or not.
Q Do you know whether any of these children have been before us? A No, sir, I do not.
Q You told us a while ago that your mother had five children by this Choctaw Indians; you have only accounted for four of them, one of your brothers, myourself and two sisters? A James is dead, next to me; he died a young child.
Q Did your father everhave any brothers or sisters to your knowledge A No, sir,,not that I knows of.
Q Who is this man, James Enderson, whose affidavit you offer? A He belonged to Mr. Cabell in the old days.
Q Any relation to you, is he? A Not a bit.
Q Has he any interest in the result of your application? A No, sir.
Q What's his post office address? A Clinton.
Q Why didn't you bring him over here in the place of submitting his affidavit? A I wasn't able ; he was too old, and wasn't able to come.

George Sanders, 7.

This applicant has the appearance of being a full blood negro and shows no indication of being possessed of Choctaw blood. He does not speak or understand the Choctaw language.

(Applicant excused.)

Charles Williams, having been first duly sworn as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Charles Williams.
Q How old are you? A I am seventy years old.
Q What's your post office address? A Clinton.
Q Hinds County? Mississippi? A Yes, sir.
Q How long have you lived in Hinds County? A I come there about - well, I reckon, between six and seven years old.
Q Where did you live before that? A Tennessee.
Q Were you a slave? A Yes, sir.
Q What is your occupation? A Farming.
Q Are you acquainted with the applicant George Sanders? A Yes,sir.
Q How long have you known him? A I was always with him, and we would talk to one another out in the field.
Q You have known him all his life? A Yes, sir.
Q Are you any relation to him? A No, sir.
Q Are you interested in any way in the result of his application? A No, sir, I just come to witness that I knew his father and his mother.
Q What was his mother's name? A Lucy.
Q Was she a slave? A Yes, sir.
Q She had no Choctaw blood? A No, sir.
Q What was his father's name? A George Valentine.
Q How long has he been dead? A He died more - before the war. I don't know exactly how many years, but a good while.
Q About how old a man was he when he died? A I suppose he looked to be about seventy or seventy five then; he was a right smart old man.
Q Did he have any Choctaw blood? A Yes, sir, I think he was according to my notion; he was a whole Choctaw, if there was any/
Q Did he speak or understand the Choctaw language? A Of, course, you know he tried to talk our American language, but he talked broken, and whenever he met up with a Choctaw he could talk just like him.
Q He wasn't a slave? A No, sir, he wasn't a slave.
Q Well, now, where did you first get acquainted with him.? A Right around Clinton; we all lived there.
Q Do you know how long he had lived there when you met him? A No, sir, I don't know.
Q Do you know where he came from to Clinton? A No, sir.
Q You don't know where he was born? A No, sir.
Q Do you know the names of his parents? A No, sir.
Q Did you ever see either of them? A Not that I knows of.
Q Did he ever have any brothers or sisters, to your knowledge?

A Not that I knows of.
Q Was he married to Lucy? A I don't know, sir, whether he was or not; he was with her and called her his wife; I don't know whether he was or not. In them times there wasn't any marrying with colored people.
Q How many children did Lucy have by this Indian? A I don't know, sir, really, myself; I couldn't tell you, exactly.
Q Did you ever hear of her having any more besides this man? A I knows more than him of her children.
Q Do you know whether they were children by this Choctaw Indian?
Q Yes, sir, I think they was; they were all right along together.
Q Did she ever live with any other man along about that time? A No, sir, I never knew her to live with any other man.
Q Did she and this Indian live together as husband and wife? A Yes, sir.
Q Lived in the same house together? A Yes, sir, and everybody called Lucy Valentine.
Q How long did they live together? A I don't know, sir, how many ye years.
Q Can't you give us an idea? A People didn't have any time to attend to anything like that.
Q Can't you give us an idea of how long they lived together?
A I suppose, to my knowing, twenty or twenty five years.
Q You don't know whether any of the ancestors of this applicant, George Sanders, ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
Q Never heard of any of his Choctaw ancestors ever having received any land or money from the Government? A No, sir.
Q Or any scrip? A No, sir.
Q You don't know of any other old person living who would likely know more about this matter than you do? A No, sir, that Jim Anderson whose affidavit he submitted, is the oldest one I know. He is a good deal older than I am; and I reckon me and him is about the oldest citizens around Clinton pretty much.
Q Do you know this man George Sanders to be the son of this ma Indian and Lucy? A Yes, sir; they were together and that's what they say; I don't know anything more than what they say. I knowed his mother and father, and I knowed the children come in along the same time.

(Witness is a negro of average intelligence.)

R.S.Streit, having been first duly sworn, upon his oath sates that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above cause on the 25th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles H. Sadler

Notary Public.

C.W.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George Sanders for identification as a Mississippi Choctaw, M.C.R. 8408.

— D E C I S I O N —

It appears from the record herein that an application for identification as Mississippi Choctaw was made to this Commission by George Sanders for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and [illegible], and to that end may administer oaths, examine witnesses and parties, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the testimony that this applicant was born of a slave mother prior to the Emancipation Proclamation, and himself a slave, and it does not appear from the records in the possession of the Commission that he has ever been enrolled by the

Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of George Sanders as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Acting Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

OCT 30 1902

COPY.

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Muskogee, Indian Territory, October 30, 1902.

George Sanders,

Clinton, Mississippi.

Dear Sir:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of George Sanders, applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provisions of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of George Sanders as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Sec-

retary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) Tams Digby.

Acting Chairman.

Registered.

COPY.

M. C. R. 5408

Muskogee, Indian Territory, October 30, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nation,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of George Sanders, applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of George Sanders as such should therefore be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) Tamo Dixby.
Acting Chairman.

COPY.

Muskogee, Indian Territory, November 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of George Sanders, applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 30, 1902.

The Commission has the honor to report that the applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tams Bixby

Acting Chairman.

Through the Commissioner
of Indian Affairs.
Enc. M C R 5408.

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DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Feb.28, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of George Sanders for identification as a Mississippi Choctaw, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicant bases his claim to identification on his descent from George Valentine, his father, who, it is alleged, was a Choctaw Indian and a resident in the Choctaw Nation in Mississippi in 1830. The applicant claims his father was 70 odd years old in 1856.

The Commission rejected the applicant October 30, 1902, because it "appears from the testimony that this applicant was born of a slave mother prior to the Emancipation Proclamation and was himself a slave," and for the additional reason that the applicant had never been enrolled as a citizen of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of George Valentine and it is discovered that his name does not appear among those who complied or attempted to

comply with the provisions of the 14th article of the Choctaw treaty of 1830; neither does it appear that he applied to the Commissions appointed under the Acts of March 3, 1837, and August 23, 1842, for an adjudication of his rights, if he had any as a Choctaw Indian.

These being the facts, it is respectfully recommended that the decision of the Commission rejecting the applicant be approved.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

C T C (S)

D.C. 6428-1903
ITD 2302-1902
LRS

COPY

DEPARTMENT OF THE INTERIOR.
WASHINGTON,

RAF
March 24, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 15, 1902, you transmitted the record in the matter of the application for identification of George Sanders as a Mississippi Choctaw, including your decision of October 30, 1902, refusing the application.

You found that the applicant was born of a slave mother and was himself a slave, and you held that no freedman is entitled to identification as a Mississippi Choctaw.

The applicant testifies he derives his Choctaw blood from his father, George Valentine, alleged to have been a full blood Choctaw Indian, and the Acting Commissioner of Indian Affairs reports February 28, 1903, that the records of the Indian Office fail to show that George Valentine complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3,1837 (5 Stat., 180), and August 23, 1842 (5 Stat.513). A copy of his letter is inclosed herewith.

The Department affirms your decision.

Respectfully,
(Signed) A.C.Tonner.
Acting Secretary.

1 inclosure.

M.C.R. 5408.

COPY.

Muskogee, Indian Territory, March 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of George Sanders, of which decision you were advised by mail on the 30th day of October, 1902.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

M.C.R. 5408.

COPY.

Muskogee, Indian Territory, March 31, 1903.

George Sanders,

Clinton, Mississippi.

Dear Sir:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

2104 No. 5108

For Identification as a Mississippi Choctaw

Meridian Miss. APR 25 1902

Date

Name George Sanders

Age 63 Blood 1/2

Post-Office, Clinton, Miss.

Father: George Valentine d.

Mother: Lucy " d.

Claims through father.

For [illegible]

Children:

Stenographer R. L. Street

Choctaw MCR 5409

Lucinda Webb

See MCR 5496, 5497

MCR 5409

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lucinda Webb, et al., for identification as Mississippi Choctaws, consolidating the applications of

Lucinda Webb,	M. C. R. 5409
Josephine Todd, et al.,	M. C. R. 5496
Lavinia Delk, et al.,	M. C. R. 5497

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

	Page.
Original application of Lucinda Webb for identification as a Mississippi Choctaw.	1
Certificate of S. C. W. Stovall in support of application.	6
Original application of Josephine Todd, et al., for identification as Mississippi Choctaws.	7
Original application of Lavinia Delk, et al., for identification as Mississippi Choctaws.	11
Decision of the Commission refusing the consolidated application of Lucinda Webb, et al., for identification as Mississippi Choctaws.	15

5409

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 25, 1902.

In the matter of the application of Lucinda Webb for identification as a Mississippi Choctaw.

Lucinda Webb, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Lucinda Webb.
Q How oldare you? A Sixty six.
Q How much Choctaw blood have you? A I just don't know; I am just going by what the people tells me; they say I am kin to them.
Q What's your post office address? A Lauderdale, Mississippi.
Q How long have you lived in Lauderdale County? A About thirty three years, as well as I can remember.
Q Where did you live before that? A Winston County.
Q How long did you live in Winston County? A I just can't remember; I was pretty well raised there.
Q Where were you born? A Born in Kemper County.
Q Were you a slave? A Yes, sir.
Q Is your father living? A No, sir, I don't know anything about him.
Q Do you know his name? A No, sir, I don't know a thing about him.
Q Is your mother living? A No, sir.
Q What was her name? A Viney Moseley.
Q Did your father have any Choctaw blood? A I don't know a thing about him.
Q Did your mother have any Choctaw blood? A That's what the people says; I was taken away from her when little.
Q How much Choctaw blood did Viney have? A I couldn't tell you.
Q Don't know that? A No, sir, I was taken away from her when quite small.
Q Was she a slave? A Yes, sir, white people raised me.
Q Haven't any idea how much Choctaw blood you have? A No, sir.
Q Where was your mother born? A Indeed I never heard her say.
Q Don't know? A No, sir, I can't remember sleeping with my mother; she had curious ways.
Q Do you know the names of her parents? A No, sir.
Q Did you ever have any brothers or sisters to your knowledge? A Half sisters.
Q What was her name? A Charlotte Merve.
Q Where did she live? A In Winston County the last I heard of her. I don't know whether she is dead or not.
Q Same mother as yours? A Yes, sir, but not the same father, I don't recken.
Q Do you know the names of any of your father's ancestors - his fore-fathers? A No, sir.
Q Are you married? A Yes, sir, I have been married, but my husband's been dead thirteen years.

Q Have you any children who are under age? A No, sir, my children's all of age.
Q This application, then, is for yourself only, is it? A Yes, sir.
Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No, sir, not before today.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand th at 14th article? A Yes, sir, I am trying to understand what you tell me.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, to the new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of these Indians were unwilling leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out to the new nation might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to r emain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you understand it now, do you? A Yes, sir.

Q Did any of your ancestors ever comply, or attempt to comply with its provisions, or ever receive any benefits under that article?
A No, sir, I don't know.
Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, when this treaty was made? A Not that I know of.
Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir, I never heard of it.
Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was made, let the agent of the Government, here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A No, sir, I never heard of anything like that.
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.
Q Did ayou ever hear of any of your ancestors ever having gotten any land here in Mississippi from the Government, or any money from the Government? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account, the Government at its public land sales here inMississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1845, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were fuly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No, sir, never have heard of it.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir, not that I know anything about.
Q If any of your ancestors ever received any benefits whatever as Choctaw Indians, then, you know nothing of it? A No, sir, don't know a thing about it.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know of any one at all.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir, I don't know of any.
Q Have you any written evidence to offer at this time? A Yes, sir.

Statement of S.C.W.Stovall is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

Q That's all the evidence you have, is it? A Yes, sir.
Q Have you any witnesses here today to testify in your behalf?
A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time in support of your application? A No, sir, I don't believe I have anything more to say.
Q How many children have you living? A Nine.
Q What are their names? A Callie Goodman.
Q Next one? A Josephine Todd.
Q Next one? A Louvinia Delt.
Q Next one? A Mary Deungen.

Lucinda Webb, 5.

Q Next one? A Lucy Webb.
Q Not married? A No, sir.
Q Next one? A Martha Ellen Webb.
Q Next one? A Pleasant Webb.
Q Next one? A Ed Webb.
Q Next one? A Obadiah Webb.
Q Next one? A I think I have gotten all of them.
Q Have you any children dead? A Yes, sir, I have two.
Q Did any of them leave children? A No, sir.
Q Did you ever have any brothers? A No, sir.
Q Never had but one sister that you know of? A No, sir.
Q Did your mother ever have any brothers or sisters to your knowledge? A No, sir, I can't remember; she didn't tell me nothing.
Q You don't speak or understand the Choctaw language? A No, sir.

This applicant has the appearance of being possessed of a mixture of negro, and either white or Indian blood, in which the negro blood largely predominates. She has the features and facial expressions of a negro, and none of the characteristics of an Indian. She does not speak or understand the Choctaw language.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 25th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

Y.A.L.

O.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lucinda Webb, et al., for identification as Mississippi Choctaws, consolidating the applications of

Lucinda Webb,	M. S. R. 5409
Josephine Todd, et al.,	M. C. R. 5496
Lavinia Delk, et al.,	M. C. R. 5497

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Lucinda Webb for herself; by Josephine Todd for herself and her eight minor children, Solomon, Jr., Minnie, Claiborne, Jimmie, Mallie L., Eddie, Daniel and Lucinda Todd; and by Lavinia Delk for herself and her minor child, Lucinda J. Delk, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and in that and any additional article, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the record herein that all the applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Viney Moseley (or Moseby), who is alleged to have been possessed of some Choctaw blood, degree thereof not stated. It further appears from the testimony of the applicant, Josephine Todd that her father, Claiborne Webb, was possessed of some Choctaw blood, and that his parents were named Pleasant Webb and Mary Frances Webb, but she is unable to state from which of them her said father derived his Choctaw blood, but in order that every possible right as Mississippi Choctaws which the applicants may possess shall be fully adjudicated, both the parents of the said Claiborne Webb will be considered as having been possessed of Choctaw blood.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were

claimants thereunder, that the said Viney Moseley (or Mosoby), or Pleasant Webb or Mary Francis Webb, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Webb, Josephine Todd, Solomon Todd, Jr., Minnie Todd, Claiborne Todd, Jimmie Todd, Mallie L. Todd, Eddie Todd, Daniel Todd, Lucinda Todd, Lavinia Delk and Lucinda J. Delk as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
JAN 14 1903.

COPY.

M.C.R. 5409.

Muskogee, Indian Territory, January 14, 1903.

Lucinda Webb,

Lauderdale, Mississippi.

Dear Madam:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Webb, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucinda Webb,	M.C.R. 5409,
Josephine Todd, et al.,	M.C.R. 5496,
Lavinia Delk, et al.,	M.C.R. 5497.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Webb, Josephine Todd, Solomon Todd, Jr., Minnie Todd, Claiborne Todd, Jimmie Todd, Mallie L. Todd, Eddie Todd, Daniel Todd, Lucinda Todd, Lavinia Delk and Lucinda J. Delk as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

L. W. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby.

Acting Chairman.

Registered.

COPY

M.C.R. 5409.

Muskogee, Indian Territory, January 14, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Webb, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucinda Webb,	M.C.R. 5409,
Josephine Todd, et al.,	M.C.R. 5496,
Lavinia Delk, et al.,	M.C.R. 5497.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Webb, Josephine Todd, Solomon Todd, Jr., Minnie Todd, Claiborne Todd, Jimmie Todd, Mallie L. Todd, Eddie Todd, Daniel Todd, Lucinda Todd, Lavinia Delk and Lucinda J. Delk as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, January 30, 1905.

The Honorable

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of Lucinda Webb, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 14, 1905.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Lucinda Webb	M.C.R. 5409
Josephine Todd, et al.	M.C.R. 5496
Lavinia Delk, et al.	M.C.R. 5497

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED) Tams Bixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 5409

M C R 5409

Muskogee, Indian Territory, February 4, 1903.

Lavinia C. Dilk,

Scooba, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 24th ultimo, relative to the decision of the Commission refusing the several applications included in the consolidated Mississippi Choctaw case of Lucinda Webb, et al.

In reply to your letter you are informed that the fifteen days from January 14, 1903, heretofore granted in this case, expired on January 29, 1903. On January 30, 1903, the record in the case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. The applicants will be duly notified of such action as may be taken by him.

The fifteen days allowed applicants in Mississippi Choctaw cases in which to file arguments in support of their claims to be forwarded to the Secretary of the Interior, are granted under specific departmental instructions and cannot be extended.

Respectfully,

Acting Chairman.

M C R 5409

Muskogee, Indian Territory, February 11, 1903.

Lucinda Webb,

Lauderdale, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, in which you state you have received notice that the evidence in your case was insufficient to identify you as a Mississippi Choctaw, and that if you are furnished blanks you will submit additional evidence.

In reply to your letter you are informed that the fifteen days from January 14, 1903, heretofore granted in your case within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on January 29, 1903. On January 30, 1903, the record in your case, together with the decision of the Commission refusing your application, was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence.

You will be duly notified of such action as may be taken by the Secretary of the Interior.

Respectfully,

Acting Chairman.

(C O P Y)

Refer in reply to the following:
Land--- 7961--1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, February 21, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Lucinda Webb; Josephine Todd, for herself and eight children, Solomon, Jr., Minnie, Claiborne, Jimmie, Mallie L., Eddie, Daniel and Lucinda Todd; and Lavina Delk, for herself and child, Lucinda J. Delk, wherein a decision adverse to the applicants was rendered by the Commission on January 14, 1905.

The evidence in this case shows, upon examination, that the claims of the applicants to identification are based upon the fact that they are descendants of Viney Moseley(or Moseby) and Pleasant Webb, and Mary Francis Webb, who, it is alleged, were citizens of the Choctaw Nation, and resided in Mississippi or Alabama in 1830.

The Commission makes its decision rejecting these applicants

E.

because of the fact that the names of Viney Moseley(or Moseby), or Pleasant Webb or Mary Francis Webb are not included in the of those persons, as shown in its records, who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

A search has been made of the records of this office for the names of Viney Moseley(or Moseby), Pleasant Webb, and Mary Francis Webb, and they do not appear in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H. H'r.

8 enclosures.

(C O P Y)

DEPARTMENT OF THE INTERIOR, RAF

Washington, March 25, 1903.

I.T.D. 2158--1903.
D.C. 3987--1903

D.H.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

January 30, 1903, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws of Lucinda Webb, of Josephine Todd and her minor children, Solomon Jr., Minnie, Claiborne, Jimmie, Mallie L., Eddie, Daniel, and Lucinda Todd; and of Lavinia Delk, and her minor [illegible] Lucinda J. Delk. You denied the applications January 14, 1903.

The applicants claim to be descendants of Viney Moseby (or Moseby), who is said to have been possessed of some Choctaw blood, and of Pleasant Webb and Mary Frances Webb, who are alleged to have been Choctaw Indians.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that any

ons of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 21, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

M C R 5409

COPY.

Muskogee, Indian Territory, April 7, 1903.

Lucinda Webb,

Lauderdale, Mississippi,

Dear Madam:

You are hereby notified that on the 26th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Webb et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge.

M C R 5409

COPY.

Muskogee, Indian Territory, April 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 26th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Webb et al., of which decision you were advised by mail on the 14th day of January, 1903.

Respectfully,

C. R. Breckinridge.

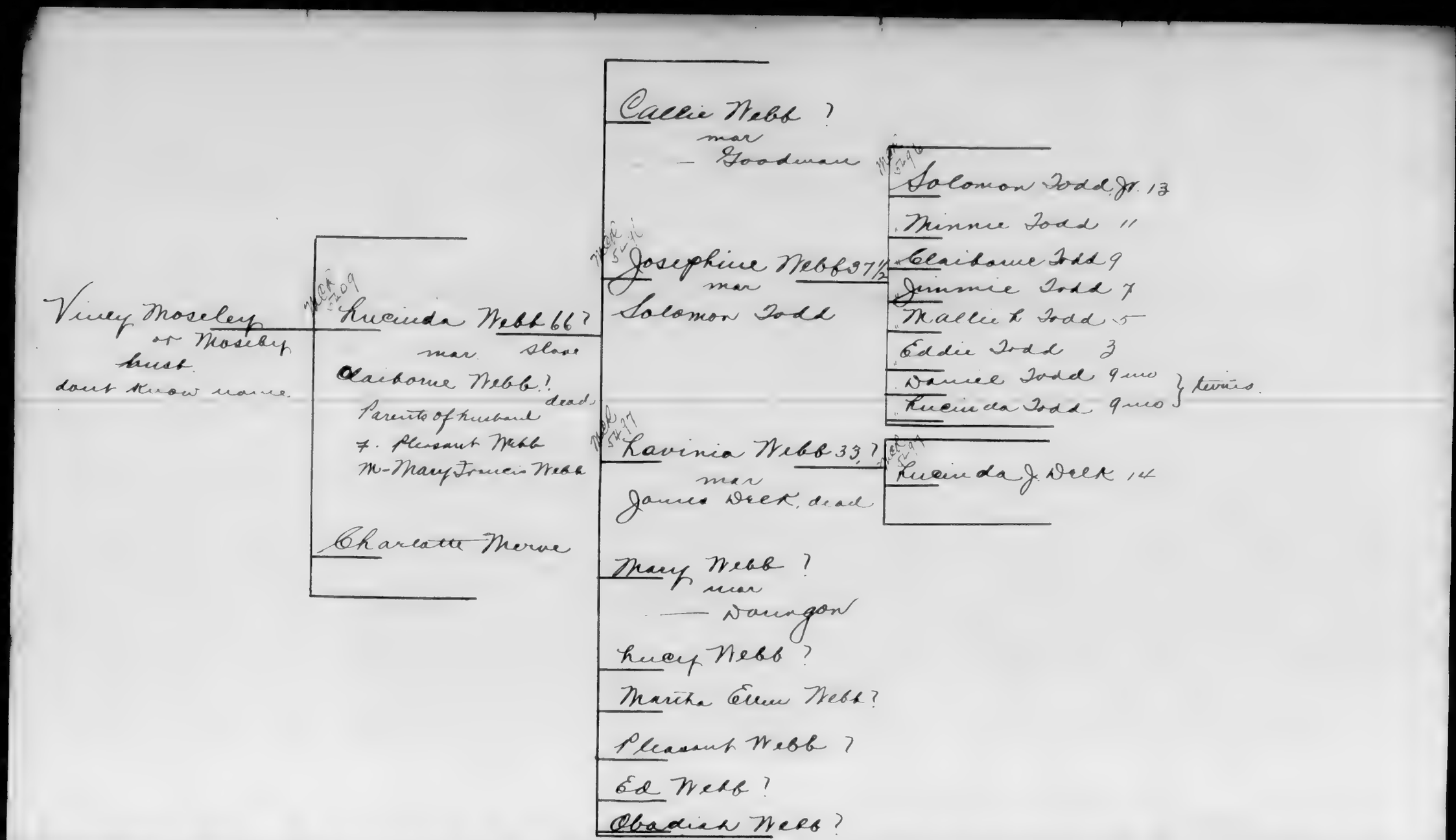
Commissioner in Charge.

REFER TO M. C. R. 5409

Lucinda Webb
dead

Consolidated Case

CARD No. NAME RESIDENCE—COUNTY POST OFFICE AG


Callie Webb ?
mar
— Goodman
Josephine Webb 37½
mar
Solomon Todd
Solomon Todd Jr. 13
Minnie Todd 11
Claiborne Todd 9
Jimmie Todd 7
Mallie L Todd 5
Eddie Todd 3
Daniel Todd 9mo
Lucinda Todd 9mo
twins.
Lavinia Webb 33 ?
mar
James Deck, dead
Lucinda J. Deck 14
Vinny Moseley
or Moseby
dont know name.
Lucinda Webb 66 ?
mar slave
Claiborne Webb ?
dead
Parents of husband
F. Pleasant Webb
M- Mary Francis Webb
Charlotte Merve
Mary Webb ?
mar
— Donegon
Lucy Webb ?
Martha Ellen Webb ?
Pleasant Webb ?
Ed Webb ?
Obadiah Webb ?

Identification as a Mississippi Choctaw.

Meridian Miss. Date APR 25 1902

Name Lucinda Webb

Age 66 Blood dont Know

Post-Office, Lauderdale, Miss.

Father: dont Know d

Mother: Viney Moseley d

Claims through mother

For Dec'd or Dec'g

Children:

Stenographer R. S. Strait

Choctaw MCR 5410

William M. Robertson

See MCR 4447

MCR 5410

5410

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 25, 1902.

In the matter of the application of William M. Robertson f for the identification of himself and six minor children, Daisy L., Crecie, Odie J., Ollie, Esther, and Bertie Robertson, as Mississippi Choctaws.

William M. Robertson, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A William M. Robertson.
Q How old are you? A I will be forty nine.
Q How much Choctaw blood have you? A That's what I am going to try to prove.
Q What's your post office address? A Trusty, Mississippi.
Q What county? A Calhoun County.
Q How long have you lived in Calhoun County? A I have been, I believe, about fifteen.
Q Where did you live before that? A Well, I lived every place - in Yalobusha, the adjoining county, about two years.
Q Where did you live immediately before you lived in Yalobusha? A I lived in Yalobusha more than two years; I lived there about three different times.
Q What other counties didyou live in? A In Choctaw - born and raised in there, and Chickasaw County, and I moved from there to Yalobusha County.
Q Have you lived in this State all your life? A Yes, sir, except I was gone to Arkansas about four months; never was out of the State until that trip.
Q Is your father living? A No, sir, he died in '95.
Q What was his name? A Joseph Robertson.
Q Is your mother living? A Yes, sir.
Q What's her name? A Mary E. Robertson.
Q Through which one of your parents do you derive your Choctaw blood? A Through my father.
Q How old was he when he died? A He was about sixty nine, as near as we can get at it; I am not certain because the family record is burned.
Q Whereawas he born? A In South Carolina, I suppose; I think he told me himself; I think he said he was twelve years old when he come from South Carolina to this country.
Q Do you know the names of his father and mother? A Yes, sir, seen his mother many times.
Q What was her name? A They always called her Bettie.
Q What was your father's father's name? A My father's father - his name was Joseph
Q Which one of your father's parents had the Choctaw blood? A His mother.
Q Bettie Robertson? A Yes, sir.
Q What was her maiden name? A Her name was Cartlidge.
Q Where was she born? A I wouldn't be positive whether it was in Georgia or South Carolina, but it was back there somewhere.

I think it was in Georgia, she was; it may have been South Carolina, and they came to Alabama, and then to Mississippi.
Q Do you know the names of her father and mother? A No, sir, I never knew anything about that.
Q What proportion of Choctaw blood did Bettie Robertson have?
A I couldn't tell you a think about it. I don't propose to swear anything about the proportion, because I was too young to know anything about that.
Q You have no idea how much she had? A No, sir, I wouldn't swear to that, because I don't know.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q Has she any Choctaw blood? A Not that I know of.
Q You make no claim for her? A No, sir.
Q What is her name? A Sarah.
Q Have you been married more than once? A Not but the one time.
Q Have you any minor children living? A Yes, sir, six.
Q What are their names and ages? A I don't know whether I can give t; the ages or not.
Q We have got to know the best we can? A I could have brought it with me.
Q Go ahead with their names? A My oldest one is about - she is turning into her nineteenth year.
Q What's her name? A Daisy L.
Q Next one? A Named Crecie. She is turning into, I believe, fifteen or sixteen; I wouldn't be positive.
Q Next one? A Odie J.
Q How old is she? A She is twelve, or maybe a little over.
Q Next one? A Boy - his name is Ollie; he is ten years old.
Q Next one? A Next one is Esther.
Q How old is Esther? A She is about seven, I suppose, maybe a little above that.
Q Next? A She is four years old in August some time.
Q What's her name? A Bertie.
Q That's all your minor children? A Yes, sir.
Q Are they all living with you at this time? A Yes, sir.
Q Are they all the children of yourself and Sarah Robertson? A Yes, sir; she says they are hers, and I have got no doubt to doubt it - that they are mine and hers, I mean.
Q This application is for yourself and six minor children?
A Yes, sir.
Q Has any application of any description ever been made before today for you or any of these minor children for the purpose of establishing your rights as Choctaw Indians? A No, sir, not by us.
Q You never did hear of it, if any application has ever been made?
A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and six minor children, under article 14 of the treaty of Dancing Rabbit Creek? A I don't know nothing about that. When I come here I knew nothing about that part of it.
Q

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along western edge of the

State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put inthe treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay hre in Mississippi and not move out the new nation west of the Missi issippi River, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intentionto the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you in full the fourteenth article of the treaty of Dancing Rabbit Creek. Do you think you understand it now?
A I don;t know whether I did the last part of it. If you wouldn't call over so much, and not so fast, I might understand it.
Q

Well, if a Choctaw who lived here in 1830, decided that he wanted to stay here and become a citizen of the States and take land under this 14th article, he was required by its terms to let an agent of the Government here at that time know, within six months after the time the treaty was ratified, that he did want to stay here and he was then entitled to a reservation of one section of land, to be bounded by sectional lines of survey; and for each child in his family over ten years of age when the treaty was made he was entitled to an additional half section, and for each child inhis family under ten years of age when the treaty was made, he was entitled to an additional quarter sections. The reservations for these children were required by the terms of the 14th article to adjoin the location of the parent. If an Indian lived on this land for five

years from February 24, 1831, the day the treaty was ratified, in that case, he was entitled to a grant in fee simple for the land; that is, the Government would give him a deed to it, and the land became the property of the Indian to dispose of at his will. But the fourteenth article said further that persons who claimed under that article should not lose the privilege of a Choctaw citizen, but if they ever removed, that is, if they went - moved out to the new nation west of the Mississippi River, they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which becomes due each year to the Choctaws from the Government under treaty provisions.

Q You understand that 14th article, do you not? A Yes, sir.
Q Well, did any of your Choctaw ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A No, sir, I don't know.
Q You don't know? A No, sir.
Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in 1830, when this treaty was made?
A Not that I ever heard of.
Q Did any of them live here at that time, seventy one or two years ago? A I don't remember exactly; I never have gotten up the length of time I have been here.
Q Well, your father came here when he was twelve years old? A Yes, sir.
Q And he would be seventy four years old now? A He died in ,1895; he was sixty nine, I believe, when he died.
Q Then, he would not have been living here in 1830, when this treaty was made? A No, sir.
Q He came here with his mother? A Yes, sir, I suppose he did.
Q Did any of your Choctaw ancestors remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A I don,t know anything about that.
Q Did any of them, within six months, after this treaty of Dancing Rabbit Creek was made, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A I couldn't tell you about that. There might be somebody else; I never heard of such a thing.
Q Did any of your ancestors ever receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Never heard of such a thing as that either. I have asked my mother - she is seventy odd years old - and she never heard of such a thing.
Q If any of your ancestors ever receive d any land or money from the Government of the United States, you never heard of it? A Never have heard of such a thing.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Indians as might desire to

remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects withthe provisions of article 14 of the treaty of Dancing pabbit Creek but that theur land had been sold by the Gomarnment. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors arpear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I can't tell you if there is; I don't know.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A
A Never heard of such a thing.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A There are two men by the name of Cartlidge who live in Attala County, Mississippi who might know about it.
Q What are their given names? A Ely and Sam.
Q About how old are they? A Well,,I couldn,t tell you about that; they are said so - I believe, as seventy six and eighty seven;they must be very old from what I have heard my mother say about them.
Q Are you acquainted with them? A No, sir, neversaw them in my life.

Q What makes you think they would know whether any of your people ever complied or attempted to comply with this 14th article, of the treaty of Dancing Rabbit Creek? A They are old and claim to know about my grand mother being part Indian, and if they know them, they probably know something about this treaty matter. They claimed to be raised up around about my people, my father and his brothers, and so on.

Q Do you know of any written evidence of any kind which would prove, or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir.

Q Have you anywritten evidence of any kind to offer at this time?
A Yes, sir.

The affidavits of A.J.Morgan, J.D.Morgan, statement of William M. Robertson and affidavit of Mary E. Robertson, are offered in evidence, identified as "Exhibit A", filed and made a part of the record in this case.

Q Were you married to your wife, Sarah, under a license? A Yes, sir
Q Where? A I was married in Choctaw County, Mississippi.
Q Where did you get your license? A At Greensboro, Mississippi.
Q What county? A It was in Choctaw County.
Q Who performed the ceremony? A A man by the name of Squire Nowley
Q A justive of the peace? A Yes, sir.
Q Now, do you remember about the time that ceremony was per formed?
A It was - I am pretty certain it was about the time I told you about, 1871.
Q Have you that license and certificate with you? A No, sir, well, I want to tell you- when I got my license then the Court house at had been burned up, and the book was brought to Walthal, and they were burned - part of the docket; there were a few - some little of the docket left; he got to 1874.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Sarah, to be used in connection with the application which you make in behalf of your six minor children. This evidence should be furnished within thirty days from this date, if possible.

Q Were your father and mother married under a license? A Mother said they was. Of course, I don't know anything about that.
Q Do you know where their license is? A At the same place; was destroyed by fire I told you about before I got mine in '71.

It will be well for you to furnish the Commission with proper evidence of the marriage of your mother and father. This evidence should be furnished within thirty days from this date, if possible.

Q Have you any witnesses here today? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time thereafter at the general office of the Commission, in Mukosgee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?
A I don't know that there is, nothing further, no, sir.
Q How many children have you of age? A Three,
Q What are their names? A William Thomas, who is here today.
Q Next one? A William Marion Jr.
Q Next one? A Henry O.
Q Have these two sons been before the Commission yet? A Neither one of them.
Q Theynhave never been before the Commission? A No, sir.
Q Have you any children dead? A One.
Q How old was that one when it died? A He was little over nine years old.
Q Have you any brothers living? A Yes, sir, good many brothers.
Q What are their names? A One named Joseph M., who is here today.
Q Next one? A Henry W. Robertson.
Q Next? James.
Q Next? A That's all.
Q Where do these brothers live? A They live in Calhoun County.
Q Have they been before the Commission? A No, sir, I suppose not.
Q Have you any brothers dead? A Yes, sir, got one.
Q Did he leave any children? A No, sir.
Q Have you any sisters living? A Yes, sir, got one.
Q What's her name? A Margaret E. Respers.
Q Where does she live? A She lived in Yalobusha County, Mississippi.
Q Has she been before this Commission? A I don't have any idea that she has.
Q Did you ever have any other sisters, who are dead? A Three.
Q Did any of them leave children? A Yes, sir, two of them.
Q What was the name of the oldest one who left children? A Emily F. Coffer.
Q How many children did she leave? A I believe four.
Q Are they living now? A Yes, sir, I reckon.
Q What are their names? A Delia.
Q Is she married? A No, sir.
Q Next one? A Got next child, Jimmie.
Q Next one? A Dora.
Q Next one? A Zola.
Q Next one? A Ellison.
Q Next one? A Leander.
Q That all? A Yes, sir, that's all.
Q Six of them, instead of four? A Yes, sir.
Q What's the name of your next sister who left children? A Elizabeth. She left one child.
Q Is that child living? A He was not long ago.
Q What was his name? A Lillie M.
Q Lillie M. what? A Shepherd.
Q Is she married? A Not unless a late thing.

Q Have any of these children of your deceased sisters been before the Commission? A Never have heard of it, if they have.
Q Has your father any brothers or sisters living? A Got one sister that as I suppose she is living.
Q What's her name? A Elizabeth Lucius.
Q Where does she live? A Near Walthal, Webster County, Mississippi.
Q Has she ever been before the Commission? A I don't know.
Q Did you father ever have any brothers? A Had about three I can recollect; maybe four.
Q Did any of them leave children? A Yes, sir.
Q How many of them left children? A Just one.
Q What was his name? A John C. Robertson.
Q How many children did he leave? A I don't know just how many.
Q Where are they? Call them over? A His oldest one was named Margaret.
Q Is she married? A No, sir, she's never married. She's not living.
Q Next one? A Luella.
Q Did she grow up? A No, sir, she died when she was a child.
Q Next one? A Emily Jane; she's got a family.
Q What's her other name? A Davis.
Q Has she been before the Commission? A Not that ever I have heard of.
Q Where does she live? A She lives out in Calhoun County, Mississippi.
Q What's the next one? A I believe, Levore.
Q Did she grow up? A She growed up and was married.
Q Is she living now? A No, sir, she left one child.
Q Do you know it's name? A I don't recollect it's name.
Q What was her husband's name? A Lewis Jackson.
Q Where does he live? A He is dead.
Q Where does the child live? A He lives in that neighborhood somewhere; I expect in Yalobusha County.
Q What's the name of the next child of your father's brother?
A George W., I suppose.
Q Is he living? A I couldn't tell you; he left that country; I have not heard from him for several years.
Q Has he ever been before this Commission? A I don't suppose he has.
Q What's the name of the next one? A John C.
Q Is he living? A I don't know.
Q What's the name of the next one of these children? A I don't believe I can tell you.
Q That's all then? A Yes, sir.
Q Did your father ever have any sisters? A Yes, sir, besides the one who is now living.
Q Did any of them leave children? A Yes, sir.
Q How many of his sisters left children? A There was two.
Q What was the name of the oldest one who left children? A I couldn't be positive as to which was the oldest.
Q Give us one of them? A There was one named Hearin.
Q What was her given name? A Polly Hearin.
Q How many children has she ,living now? A I don't know. They have been before this Commission; I am satisfied of that.
Q Give us the names of one of them who is living? A One of them is - I don't know whether his name was Selve --
Q What's the name of another one of your father's sisters who left children? A Emily.

Q What was her married name? A She married a man by the name of Tabbs.
Q Did she leave any children? A Yes, sir, she left children.
Q Do you know their names? A Yes.
Q Name was you can of them? A John was the oldest one.
Q Next one? A Anthony.
Q Next one? A Taylor.
Q Next one? A Next one was named Joseph.
Q Is Margaret married? A Yes, sir, she's married, but she's not living.
Q Did she leabe any children? A I don't recollect whether she did or not.
Q What was her married name? A Married a Bridges, I think.
Q What's the name of the next one of these children? A I don't believe I know.
Q You don't speak or understand the Choctaw language, do you?
A No, sir, never saw a Choctaw in my life unless I saw one today; never lived amongst them.

(This applicant has the appearance of being a white man and shows no indication of being possessed of Indian blood. He has gray eyes; his hair is rather dark, and he has rather dark skin.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 25th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles Kesaunyer

Notary Public.

M.C.R. 5410

COPY.

Muskogee, Indian Territory, October 8, 1902.

William M. Robertson,

Trusty, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily F. Hillhouse, et al., embracing the following applications for identification as Mississippi Choctaws:

Emily F. Hillhouse,	M.C.R. 4447
Mary McGarah, et al.,	M.C.R. 4448
Oliver O. B. Hillhouse, et al.,	M.C.R. 4449
Emily F. Pugh, et al.,	M.C.R. 4450
David S. Hillhouse,	M.C.R. 4451
John F. Hearen, et al.,	M.C.R. 4452
Rosetta Duke, et al.,	M.C.R. 4455
John V. Hearen, et al.,	M.C.R. 4454
William Thomas Hearon, et al.,	M.C.R. 4456
Austin L. Hearon,	M.C.R. 4453
Frank Hearon,	M.C.R. 4446
James S. Hearon, et al.,	M.C.R. 4445
William M. Robertson, et al.,	M.C.R. 5410
William T. Robertson, et al.,	M.C.R. 5412
Joseph M. Robertson, et al.,	M.C.R. 5411

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer

oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Emily F. Hillhouse, Mary McGarah, Andrew Jackson McGarah, Emily Josephine McGarah, Henry Marion McGarah, William Bryan McGarah, Oliver G. B. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary E. Pugh, Luella Pugh, David S. Hillhouse, John F. Hearon, Ella Hearon, Granville Hearon, Maudie Hearon, Rosetta Duke, Grover C. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willie Hearon, Austin L. Hearon, Frank Hearon, James S. Hearon, Charlie B. Hearon, Mattie Hearon, William M. Robertson, Daisy L. Robertson, Creecie Robertson, Odie J. Robertson, Ollie Robertson, Esther Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas L. Robertson, Thomas H. Robertson, Joseph M. Robertson, Lera Robertson, Lenna Robertson, and Alma Robertson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED)

Acting Chairman.

Registered.

M.C.R. 5410

COPY.

Muskogee, Indian Territory, February 26, 1903.

William M. Robertson,

Trusty, Mississippi.

Dear Sir:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily F. Hillhouse, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

#2106 " No. 5410

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 25 1902
Date

Name William M Robertson

Age 48 Blood don't know--

Post-Office, Trusty, Miss.

Father: Joseph Robertson d

Mother: Mary E. " d

Claims through father

wife Sarah Robertson d

No claim for wife.

For self and children

Children:

Daisy L.	Robertson	F	18
Cecile	"	F	13
Odie J.	"	F	12
Allie	"	(m)	10
Esther	"	F	7
Bertie	"	F	4

Father's mother, Bettie Robertson d

Choctaw MCR 5411

Joseph M. Robertson

See MCR 4447

MCR 5411

5411

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 25, 1902.

In the matter of the application of Joseph M. Robertson for the identification of himself and his three minor children, Lera, Lenna and Alma Robertson, as Mississippi Choctaws.

Joseph M. Robertson, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Joseph M. Robertson.
Q How old are you? A I am thirty years old.
Q How much Choctaw blood have you? A I couldn't tell you no more than this man.
Q Don't know? A No, sir.
Q What's your post office address? A Trusty, Mississippi.
Q What county? A Calhoun.
Q How long have you lived in that County? A I must have lived there for twenty years.
Q Where did you live before that? A I was born in Calhoun, and then lived in Yalobusha County about seven years.
Q You have lived in this State all your life? A Except I lived in Arkansas about three or four months.
Q Is your father living? A No, sir.
Q What was his name? A I always heard him called by the name of Joseph Robertson.
Q Your mother living? A Yes, sir.
Q What's her name? A Her name is Mary E.
Q Through which one of your parents do you get your Choctaw blood? A My father.
Q You are a full brother of William M. Robertson who just appeared before the Commission? A That's what they say.
Q Are you married? A Yes, sir.
Q Is your wife living? A Yes, sir.
Q What's her name? A Louela.
Q Has she any Choctaw blood? A She don't claim any.
Q You make no claim for her, then? A No, sir.
Q Have you any children? A Yes, sir.
Q How many? A Three.
Q What are their names and ages? A The oldest one is named Lera.
Q How old? A Why, she is six years old.
Q Next one? A Lenna.
Q How old? A Four years old.
Q These two are girls? A Yes, sir.
Q Next one? A Alma.
Q Boy? A Yes, sir.
Q How old? A About ten months old.
Q These children all three living with you at this time? A Yes, sir.
Q The children of yourself and Louela Robertson? A Yes, sir.
Q Ever been married more than once? A No, sir.

Q Has she? A No, sir.
Q This application is for yourself and three minor children? A Yes, sir.
Q Were you married to Loula under a license? A Why, I have them here, yes, sir.
Q Have you your license and certificate with you? A Yes, sir.

Certified copy of marriage certificate of Joseph M. Robertson and Ella Box, offered in evidence, identified as Exhibit "A", filed, and made a part of the record in this case.

Q Has any application ever been made before today in your behalf, on in behalf of either of these children, for the purpose of establishing your rights as Choctaw Indians? A Not that I know anything about.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You heard the entire examination of your brother, William M. Robertson, did you not? A Yes, sir.
Q Do you know anything further with reference to a compliance on the part of your ancestors with the 14th article of the treaty of Dancing Rabbit Creek, than what is disclosed by his testimony? A No, sir.
Q His testimony in regard to the members of his family is correct so far as you know? A Yes, sir.
Q Do you know the names of any more of your Choctaw ancestors than those given by him? A No, sir, I don't think I do.
Q Haveyou any witnesses here today? A No, sir.
Q Any written evidence to offer? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time? A No, sir, I don't think there is.

(This applicant has the appearance of being a white man and shows no indication of being possessed of Indian blood. He has gray eyes, a rather dark skin, and rather dark hair.)

Joseph M. Robertson, et al., 3.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 25th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles K. Sawyer

Notary Public.

M.C.R. 5411

COPY

Muskogee, Indian Territory, October 8, 1902.

Joseph M. Robertson,

Trusty, Mississippi.

Dear Sir:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily F. Hillhouse, et al., embracing the following applications for identification as Mississippi Choctaws:

Emily F. Hillhouse,	M.C.R. 4447
Mary McGarah, et al.,	M.C.R. 4448
Oliver G. B. Hillhouse, et al.,	M.C.R. 4449
Emily F. Pugh, et al.,	M.C.R. 4450
David S. Hillhouse,	M.C.R. 4451
John F. Hearon, et al.,	M.C.R. 4452
Rosetta Duke, et al.,	M.C.R. 4455
John V. Hearon, et al.,	M.C.R. 4454
William Thomas Hearon, et al.,	M.C.R. 4456
Austin L. Hearon,	M.C.R. 4453
Frank Hearon,	M.C.R. 4446
James S. Hearon, et al.,	M.C.R. 4445
William M. Robertson, et al.,	M.C.R. 5410
William T. Robertson, et al.,	M.C.R. 5412
Joseph M. Robertson, et al.,	M.C.R. 5411

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary

thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Emily F. Hillhouse, Mary McGarah, Andrew Jackson McGarah, Emily Josephine McGarah, Henry Marion McGarah, William Bryan McGarah, Oliver G. B. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary E. Pugh, Luella Pugh, David S. Hillhouse, John F. Hearon, Ella Hearon, Granville Hearon, Maudie Hearon, Rosetta Duke, Grover C. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willie Hearon, Austin L. Hearon, Frank Hearon, James S. Hearon, Charlie B. Hearon, Mattie Hearon, William M. Robertson, Daisy L. Robertson, Crecie Robertson, Odie J. Robertson, Ollie Robertson, Esther Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas L. Robertson, Thomas H. Robertson, Joseph M. Robertson, Lera Robertson, Lenna Robertson, and Alma Robertson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in thi s case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 5411

COPY.

Muskogee, Indian Territory, February 26, 1903.

Joseph M. Robertson,

Trusty, Mississippi.

Dear Sir:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily F. Hillhouse, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

(SIGNED).

Tams Bixby.

Chairman.

#2107 No. 5411

For Identification as a Mississippi Choctaw.

Meridian Miss

Date APR 25 1902

Name Joseph M Robertson

Age 30 Blood don't know

Post-Office, Trusty Miss

Father: Joseph Robertson d.

Mother: Mary E. " d.

Claims through father

wife Louela Robertson d.
no claim for wife.

Children:

Lera Robertson 6.

Lenna " 4

Alma " (m) 10 m.

Choctaw MCR 5412

William T. Robertson

See MCR 4447

MCR 5412

Department of the Interior,
Commission to the Five Civilized Tribes.
Meridian, Mississippi, April 25, 1902.

In the matter of the application of William T. Robertson for the identification of himself and his three minor children, William O., Thomas L., and Thomas H. Robertson, as Mississippi Choctaws.

William T. Robertson, having been first duly sworn, upon his oath, testified as follows:

Examination by the Commission.

Q What is your name? A William T. Robertson.
Q How old are you? A I am twenty nine.
Q How much Choctaw blood have you? A I couldn't tell you.
Q Have no idea? A No, sir.
Q What's your post office address? A Trusty, Mississippi, Calhoun County.
Q Have you lived in Mississipri all your life? A Yes, sir, all except about four months once, and nine months at anyther time, in Arkansas.
Q Is your father living? A Yes, sir.
Q What 's his name? A William M. Robertson.
Q Your mother living? A Yes, sir.
Q What's her name? A Sarah.
Q Through which one of your parents do you get your Choctaw blood?
A Father.
Q Is the William M. Robertson, who appeared before the Commission here today, your father? A Yes, sir.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q What's her name? A Fredonia.
Q Has she any Choctaw blood? A No, sir.
Q Make no claim for her? A No, sir.
Q Have you any children living? A Yes, sir.
Q How many? A Three.
Q What are their names and ages? A William O.
Q How old? A Eight years old.
Q Next one? A Seven - little over seven.
Q Name? A Thomas L.
Q Next one? A Thomas H:
Q How old? A He is three.
Q That all your children living? A Yes, sir.
Q Are they living with you at this time? A Yes, sir.
Q They are all children of yourself and Fredonia? A Yes, sir.
Q Have you ever been married more than once? A No, sir.
Q Has she? A No, sir.
Q This application is for yourself and three minor children? A Yes, sir.
Q Has any application of any kind ever been made for you or any one

of these children before today for the purpose of establishing your rights as Choctaw Indians? A Not that I knows of.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Did you hear the entire examination of your father, William M. Robertson? A Yes, sir, I reckon I understood it all.

Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek than what has been disclosed by his testimony? A No, sir.

Q Have you any witnesses here today to testify in your behalf? A

A No, sir.

Q Any written evidence of any kind to offer? A Yes, sir.

Certified copy of the marriage certificate of W.T.Robertson and Donie Box, is offered in evidence, identified as Exhibit "A", filed, and made a part of the record in this case.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time in support of your application? A No, sir.

Q You don't speak or understand the Choctaw language, do you?

A No, sir.

(The applicant has the appearance of being a white man and shows no indication of being possessed of Indian blood. He has gray eyes, rather dark hair, and rather dark complexion.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 25th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings on said date.

R S Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles H Lemon

Notary Public.

5417

Department of the Interior,
Commission to the Five Civilized Tribes.
Meridian, Mississippi, April 25, 1902.

In the matter of the application of William T. Robertson for the identification of himself and his three minor children, William O., Thomas L., and Thomas H. Robertson, as Mississippi Choctaws.

William T. Robertson, having been first duly sworn, upon his oath, testified as follows:

Examination by the Commission.

Q What is your name? A William T. Robertson.
Q How old are you? A I am twenty nine.
Q How much Choctaw blood have you? A I couldn't tell you.
Q Have no idea? A No, sir.
Q What's your post office address? A Trusty, Mississippi, Calhoun County.
Q Have you lived in Mississippi all your life? A Yes, sir, all except about four months once, and nine months at anyther time, in Arkansas.
Q Is your father living? A Yes, sir.
Q What 's his name? A William M. Robertson.
Q Your mother living? A Yes, sir.
Q What's her name? A Sarah.
Q Through which one of your parents do you get your Choctaw blood? A Father.
Q Is the William M. Robertson, who appeared before the Commission here today, your father? A Yes, sir.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q What's her name? A Fredonia.
Q Has she any Choctaw blood? A No, sir.
Q Make no claim for her? A No, sir.
Q Have you any children living? A Yes, sir.
Q How many? A Three.
Q What are their names and ages? A William O.
Q How old? A Eight years old.
Q Next one? A Seven - little over seven.
Q Name? A Thomas L.
Q Next one? A Thomas H.
Q How old? A He is three.
Q That all your children living? A Yes, sir.
Q Are they living with you at this time? A Yes, sir.
Q They are all children of yourself and Fredonia? A Yes, sir.
Q Have you ever been married more than once? A No, sir.
Q Has she? A No, sir.
Q This application is for yourself and three minor children? A Yes, sir.
Q Has any application of any kind ever been made for you or any one

of these children before today for the purpose of establishing your rights as Choctaw Indians? A Not that I knows of.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Did you hear the entire examination of your father, William M. Robertson? A Yes, sir, I reckon I understood it all.

Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek than what has been disclosed by his testimony? A No, sir.

Q Have you any witnesses here today to testify in your behalf? A

A No, sir.

Q Any written evidence of any kind to offer? A Yes, sir.

Certified copy of the marriage certificate of W.T.Robertson and Donie Box, is offered in evidence, identified as Exhibit "A", filed, and made a part of the record in this case.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time in support of your application? A No, sir.

Q You don't speak or understand the Choctaw language, do you?

A No, sir.

(The applicant has the appearance of being a white man and shows no indication of being possessed of Indian blood. He has gray eyes, rather dark hair, and rather dark complexion.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 25th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings on said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles H. Sawyer

Notary Public.

Miss. Choctaw R 5412

Muskogee, Indian Territory, June 4, 1902.

William T. Robertson,

Trusty, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 29, inclosing affidavits of Elizabeth Lucius andThomas L. Foster relative to the marriage of Joseph Robertson and Mary Wommack in 1852, and the affidavits of R. Lovett and J. F. Heron as to the marriage between W. M. Robertson and S. F. Jones, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same have been filed with the record in this case.

You also ask what other evidence is necessary in your case and in reply to your letter you are advised that the Commission can not render any opinion as to the sufficiency of the evidence offered in support of applications for identification as Mississippi Choctaws until the same are taken up for consideration and determination.

Yours truly,

Acting Chairman.

Miss. Choctaw R5412

Muskogee, Indian Territory, June 16,1902.

William T. Robertson,

Trusty, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 14, in which you state that you desire to have offered in evidence in support of your application for identification as Mississippi Choctaws the testimony of certain witnesses which has already been introduced in support of the application of Emily Hillhouse, and you wish to know if you will have to submit this for filing in your case, or if you will receive the benefit of it as filed in the application of Emily Hillhouse.

In reply to your letter you are advised that the application made by you for the identification of yourself and your minor children as Mississippi Choctaws, and the application made by your father, William M. Robertson, for identification of himself and his children as Mississippi Choctaws have been consolidated with the application of Emily P. Hillhouse, and the evidence offered in her case will also receive consideration in the disposition of the applications for identification as Mississippi Choctaws of William T. Robertson,

W.T.R. 2

et al. and William M. Robertson, et al.

Yours truly,

Commissioner in Charge.

COPY. M.C.R. 5412

Muskogee, Indian Territory, October 8, 1902.

William T. Robertson,

Trusty, Mississippi.

Dear Sir:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily F. Hillhouse, et al., embracing the following applications for identification as Mississippi Choctaws:

Emily F. Hillhouse,	M.C.R. 4447
Mary McGarah, et al.,	M.C.R. 4448
Oliver G. B. Hillhouse, et al.,	M.C.R. 4449
Emily F. Pugh, et al.,	M.C.R. 4450
David S. Hillhouse,	M.C.R. 4451
John F. Hearon, et al.,	M.C.R. 4452
Rosetta Duke, et al.,	M.C.R. 4455
John W. Hearon, et al.,	M.C.R. 4454
William Thomas Hearon, et al.,	M.C.R. 4456
Austin L. Hearon,	M.C.R. 4453
Frank Hearon,	M.C.R. 4446
James S. Hearon, et al.,	M.C.R. 4445
William M. Robertson, et al.,	M.C.R. 5410
William T. Robertson, et al.,	M.C.R. 5412
Joseph M. Robertson, et al.,	M.C.R. 5411

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer

oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Emily F. Hillhouse, Mary McGarah, Andrew Jackson McGarah, Emily Josephine McGarah, Henry Marion McGarah, William Bryan McGarah, Oliver G. B. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary E. Pugh, Luella Pugh, David S. Hillhouse, John F. Hearon, Ella Hearon, Granville Hearon, Maudie Hearon, Rosetta Duke, Grover C. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willie Hearon, Austin L. Hearon, Frank Hearon, James S. Hearon, Charlie B. Hearon, Mattie Hearon, William M. Robertson, Daisy L. Robertson, Crecie Robertson, Odie J. Robertson, Ollie Robertson, Esther Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas L. Robertson, Thomas F. Robertson, Joseph M. Robertson, Lera Robertson, Lenna Robertson, and Alma Robertson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 5412

COPY.

Muskogee, Indian Territory, February 26, 1903.

William T. Robertson,

Trusty, Mississippi.

Dear Sir:

You are hereby notified that on the 15th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily F. Hillhouse, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

Tams Bixby.

Chairman.

#2108 No. 5112

For Identification as a Mississippi Choctaw

Meridian Miss.

Date APR 25 1902

Name William T Robertson

Age 29 Blood dont know

Post-Office, Trusty, Miss.

Father: William M Robertson "

Mother: Sarah " "

Claims through father.

wife Fredonia Robertson "

no claim for wife.

For self " children

Children:

William O. Robertson 8

Thomas L. " 7

Thomas K. " 3

Stenographer R. J. Street

Choctaw MCR 5413

Ann J. Garrard

See MCR 3800

MCR 5413

5/3

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 25, 1902.

In the matter of the application of Ann J. Garrard for identification as a Mississippi Choctaw.

Ann J. Garrard, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Ann J. Garrard.
Q How old are you? A I was born in September, '41, the 25th day. Will be sixty one next September.
Q How much Choctaw blood have you? A My great grand father was a half blood Choctaw Indian.
Q That would make you one-sixteenth? A Yes, sir.
Q What's your post office address? A Rome, Georgia.
Q How long have you lived in Rome? A Twenty four years.
Q Where did you live before that? A At Dawson, southwest Georgia, and was partly raised at Buena Vista, Georgia.
Q You have lived in Georggia all your life? A Yes, sir.
Q Is your father living? A No, sir.
Q What was his name? A William Booth Walker.
Q Is your mother living? A No, sir, neither of my parents are living
Q What was her name? A She was a Miss Clay - Delphin Clay.
Q You got your Choctaw blood through your father? A Yes, sir.

It will be necessary that you furnish the Commission with proper evidence of the marriage of your father and mother, for use in connection with this application. This evidence should be furnished within thirty days from this date, if possible.

Joint affidavit of W.P.Vinson and M.C.Vinson is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

Q Where was your father, William Booth Walker born? A In Jones County, Georgia. My grand mother she went from Mississippi; just as a child, I remember enough of their conversation, not having any history - I never expected to have any use for it.
Q Did your father live in Georgia all his life? A Well, I think so; I don't know that he ever lived out of the State.
Q Through which one of his parents did he get his Choctaw blood?
A His mother.
Q What was her name? A Sarah Booth.
Q Did you ever see her? A Yes, sir.
Q When did she die? A In '63; during the Civil War.
Q How old was she at the time of her death? A Eighty or more; possibly, eighty or eighty one.
Q How much Choctaw blood do you claim she had? A Her father was a

half blood Choctaw Indian - John Booth.
Q Were you acquainted with him? A He was dark - John Booth - I never saw him. He died long before I was born.
Q Sarah Booth lived in Georgia? A I think she went, in her girlhood days, from Mississippi.
Q Do you know what part? A No, sir, I do not. I have only heard her say she was of Choctaw Indian descent; I knowed her brother, Zach Booth when I was a child; he used to leave home every few years and go away, and her other relatives would say "well enough Zach had done to his relatives in the Choctaw Nation," and when he come back, brought an Indian doctor that couldn't speak our language. I remember him as a child - my great uncle, Zach Booth. The doctor didn't like the negro - didn't like to be mixed with them, and while the white people treated him nicely - he was a physician, and practiced with herbs, and my uncle - great uncle- in order to have him comfortably situated, sent him to his sister, who was Elizabeth Booth, and lived at old Fort Marion, and sent this old Indian doctor to live with her and her husband, as they had no children, and he made that his home until he died, and I am not positive whether he died - whether it was before or after the Civil War, and after the Civil War, I lost sight of it.
Q Where did this man, that you call John Booth, come from? A From Mississippi in the first place, I think.
Q When did he leave this State and go to Georgia? A I couldn't tell you.
Q Have you any idea? A No, sir, I have not. Perhaps some of our relatives who have made application to the Commission know more about it; they lived in Mississippi; I have relatives in northern Mississippi.
Q Do you know the names of his parents? A No, sir, I don't know anything further back than him, - what I have heard of him.
Q Do you know whether he spoke the Choctaw language? A I do not.
Q I would suppose that he did; his son, Zach Booth, why, he would go back there to mix with them. But, that's just supposition.
Q Are you married? A Yes, sir, I was married in '66.
Q Is your husband living? A No, sir.
Q Did he have any Choctaw blood? A No, sir, my husband was French.
Q What was his name? A A. A. Garrard - Augustus A.Garrard.
Q Were you married more than once? A No, sir.
Q Have you any minor children? A No, sir.
Q This application is for yourself only? A Yes, sir, for myself only.
Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under article 14 of the treaty of Dancing Rabbit Creek? A I don't know about that; I suppose so; just whatever is right; I don't know nothing about the different tribes.

The treaty of Dancing Rabbit Creek was named after a creek in Noxubbee County, where the treaty was made. It was made here in 1830, between the Government of the United States and the Choctaw tribe of Indians. At that time the Choctaws lived here in Mississippi and along the western part of the State of Alabama. The object of the treaty was to get those Indians to move from the country occupied by them

here in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to remain here in Mississippi, might receive land here in Mississippi from the Government of the United States. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six mo months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you, in full, the fourteenth article of the treaty of Dancing Rabbit Creek. Do you think you understand that? A Yes, sir, I think I understand that.
Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?
A I was informed by a relative of mine in Mississippi that my grandmother was enrolled in some time after that treaty in 1830; that's the only thing I know about that.
Q Who was that relative who informed you of that? A My sister, A. D. Williams, and cousin, Jeptha L. Walker, both wrote me the same thing.
Q You don't know where this name was enrolled do you? A No, sir, I don't know.
Q Do you know how they got that information? A No, sir, I didn't inquire; I suppose that it was by investigating it in Mississippi where they lived. I have relatives in Memphis who have proved in a claim too. They enrolled in Muskogee & the Lipses did.
Q Did Sarah Booth have a Choctaw name, do you know? A No, sir, not that I ever heard.
Q Did any of your Choctaw ancestors own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, when the treaty was made? A I don't know.
Q Did any of them live at that time? A I couldn't tell you that either.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
A I am not informed of that either.
Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was made, let the agent of the Government, here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A I have been told by older members of the family that Sarah Booth did.
Q Who informed you of that fact? A Jeptha D. Walker; he lives in Mississippi, at Hickory Flat.
Q He has been before the Commission? A Yes, sir, he was here last January, I think, when my sister was here.
Q Do you know whether any of your Choctaw ancestors ever got any land here in Mississippi from the Government of the United States? A No, sir, I don't know.
Q Did you ever hear of any of them having received any benefits whatever as Choctaw Indians? A No, sir, I have not, for I never have it a thought until I came interested in it through correspondence with my sister and relatives in Mississippi, and I thought if they were entitled to it, I would see what there was in it for me.

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In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I couldn't tell you.
Q Don't know? A No, sir.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government to your knowledge? A Not that I know of.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?
A I don't recollect anyone just now; it's been so long ago, I suppose they are all dead.
Q It would take a very old person? A Yes, sir, indeed.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir, I didn't have access to my grandmother's papers when she died.
Q Have you any written evidence of any kind to offer at this time in support of your application, besides that you have already offered? A No, sir.
Q Have you any witnesses here today to testify in your behalf?
A Nobody outside of our own family.

If you should find any witnesses whose testimony you desire to have taken by the Commission, in support of your application, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A Nothing further.
Q How many children have you living? A Two.
Q What are their names? A Charles R. and Clarence A. Garrard.
Q Have they been before the Commission? A No, sir.
Q Where do they live? A One at Pineville, Georgia, the other at Birmingham, Alabama.
Q Have you any children dead? A No, sir.
Q Have you any brothers living? A One.
Q What's his name? A George Washington Walker; he lives at Magnolia, Arkansas.
Q Any sisters living? A Mrs. Ada Williams, appeared before the Commission last February. Then, I have got one sister, Mrs. Caroline Watson, of Columbia, Georgia.
Q Has she been before the Commission? A No, sir, she has not. She is the oldest child; very old and feeble; I don't presume she will.

Ann J. Garrard, S.

Q What was the name of your oldest brother? A John R.T.Walker.
Q Has he any children living? A Yes, sir.
Q Are any of them here today? A Five of them here.
Q What are the names of those here today? A Charles E.Walker, John S. Walker, Henry S. Walker, Mary E. Brown and Mrs.Kate Coker.

(This applicant has the appearance of being a white woman, shows no indication of being possessed of Indian blood, and does not speak or understand the Choctaw language.)

R. S. Strait, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 25th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R S Strait

Subscribed and sworn to before me this 15th day of May, 1902, at Muskogee, Indian Territory.

Charles H. Sawyer

Notary Public.

COPY.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH, SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5413.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Ann J. Garrard,

Rome, Georgia.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis,, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jeptha L. Walker, Charles L. Walker, Jeptha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jeptha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Registered.

Tams Bixby.

Acting Chairman.

M.C.R. 5413.

COPY.

Muskogee, Indian Territory, July 29, 1903.

Ann J. Garrard,

Rome, Georgia.

Dear Madam:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

#2109 " No. 5413

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 25 1902

Date

Name Ann J. Garrard

Age 60 Blood 1/16

Post-Office Rome, Ga.

Father: William B. Walker d

Mother: Delphia " d

Claims through father.

For ... only

Children:

Stenographer R. S. Strut

Choctaw MCR 5414

Charles E. Walker

See MCR 3800

MCR 5414

5414

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 25, 1902.

In the matter of the application of Charles E. Walker for the identification of himself and his two minor children, John W. and Saxton Walker, as Mississippi Choctaws.

Charles E. Walker, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Charles E. Walker.
Q How old are you? A I am forty nine the first day of this month.
Q How much Choctaw blood do you claim to have? A One-thirty second.
Q What's your post office address? A Columbia, Alabama.
Q How long have you lived there? A Been living there ever since '78 - twenty four years next August.
Q Where did you live before that? A Fort Gaines, Georgia.
Q How long did you live there? A From '65 to '78 - thirteen years.
Q Where did you live before that? A Dawson, Georgia. Born in Marion County, Georgia.
Q You have lived in Georgia and Alabama all your life? A Yes, sir.
Q Is your father living? A No, sir.
Q What was his name? A John R. T. Walker.
Q Your mother living? A No, sir.
Q What was her name? A Martha Walker.
Q Through which one of your parents did you get your Choctaw blood? A Father.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and mother, for use in connection with this application. This evidence should be furnished within thirty days from this date, if possible.

By Applicant:
Mrs. Ann J. Garrard, who is a full sister of my father, submitted a joint affidavit of W. P. and N. C. Vinson which covers the proof of marriage of my father and mother.

By Commission:
How old your father be if he were living now? A He died in '84; he was fifty six years old; he would be about seventy four years old.
Q Where was he born? A Jones County, Georgia.
Q Did he live in Georgia all his life? A He lived in Alabama at the time he died.

Q Through which one of his parents did your father get his Choctaw blood? A His father.
Q What was his name? A William Booth Walker.
Q Your father was a full brother of Mrs. Garrard, who appeared here this morning? A Yes, sir.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q What's her name? A Lillie G. Walker.
Q Has she any Choctaw blood? A No, sir.
Q You make no claim for her? A No, sir.
Q Have you been married more than once? A No, sir.
Q Has she? A No, sir.
Q How many children have you living? A Two.
Q What are their names and ages? A John W.
Q How old? A Eighteen last January.
Q Next one? A Saxton.
Q How old? A Nine.
Q That's all your children? A Yes, sir.
Q This application is for yourself and two minor children? A Yes, sir.
Q Are these children living with you at this time? A Yes, sir.
Q Were you married to Lillie G. Walker under a license? A Yes, sir.
Q Where? A At Fort Gaines, Georgia.
Q Who married you? A A man by the name of Cowley, a minister. Here's a copy of the marriage license.

Certified copy of marriage license and certificate of Charles E. Walker and Little E. Grist is offered in evidence, identified as Exhibit "A", filed and made a part of the record in the case.

Q Has any application of any kind ever been made before today for you or either of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that 14th article? A Yes, sir.
Q You heard the entire examination of Mrs. Ann J. Garrard this morning? A Yes, sir.
Q Do you know anything further in regard to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, than what has been disclosed by her testimony? A I do not.
Q Do you know anything more about your family history than what she has told? A No, sir.
Q Have you any witnesses here today to testify in your behalf?
A No, sir.
Q Any written evidence of any kind to offer? A None, except what's been offered.
Q Do you know of any persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
Q Do you know of any written evidence of any kind which would prove

or tend to prove such a state of facts? A No, sir.
Q Any further statements you want to make in support of your application? A No, sir.
Q You don't speak or understand the Choctaw language? A No, sir.

(The applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.")

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 25th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R S Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles E Lemmon

Notary Public.

COPY.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5414.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Charles E. Walker,

Columbia, Alabama.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis,, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jeptha L. Walker, Charles L. Walker, Jeptha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jeptha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Tams Bixby.

Acting Chairman.

M.C.R. 5414.

COPY.

Muskogee, Indian Territory, July 29, 1903.

Charles E. Walker,

Columbia Alabama.

Dear Sir:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw

Meridian, Miss. APR 25 1902

Date

Name Charles E. Walker

Age 49 *Blood* 1/32

Post-Office, Columbia, Ala

Father: John R. T. Walker d

Mother: Martha Walker d

Claims through father

wife Lillie G. Walker d.

No claim for wife.

[illegible] wife and 2 children

Children:

John W. Walker 18

Baxton " 9

Stenographer R. L. Street

Choctaw MCR 5415

Mary E. Brown

See MCR 3800

MCR 5415

5415

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 25th, 1902.

In the matter of the application of Mary E. Brown for the identification of herself and five minor children, Robert M., Florence, Walter, Ethel and Edith, as Mississippi Choctaws.

Said Mary E. Brown, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Mary E. Brown.
Q How old are you? A Forty-seven.
Q How much Choctaw blood do you claim to have? A About one-thirty-second, I reckon.
Q What's your postoffice address? A Columbia, Alabama.
Q How long have you lived there? A Fifteen years.
Q Where did you live before you moved there? A Fort Gaines, Georgia.
Q How long did you live there? A I lived there ever since I was twelve years old until I moved to Columbia, about twenty years I reckon.
Q Where did you live before that? A Dawson, Georgia.
Q Were you born there? A No sir, I was born in Marion County, Georgia.
Q You have lived in Georgia and Alabama all your life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A John R.T. Walker.
Q Is your mother living? A No sir.
Q What was her name? A Martha L. Walker.
Q Through which one of your parents do you get your Choctaw blood? A My father.
Q Through which one of his parents did he get his Choctaw blood? A His father.
Q What was his name? A William Booth Walker.
Q Through which one of his parents did William Booth Walker get his Choctaw blood? A His mother, Sarah Booth.
Q Through which one of her parents did she get her Choctaw blood? A Her father.
Q What was his name? A John Booth.
Q Do you know the names of his parents? A No sir.
Q Are you a full sister of Charles E. Walker who appeared before the Commission today? A Yes sir.
Q Your father was a full brother of Mrs. Ann J. Garrard who appeared before the Commission this morning? A yes sir.
Q What's the name of your husband? A Walter A. Brown.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him? A No sir.
Q Have you been married more than once? A No sir.
Q How many children have you living? A Seven.
Q How many of them are under age and unmarried? A Five.
Q What are their names and ages? A Robert M.
Q How old? A Twenty.
Q Next one? A Florence, eighteen.

Q Next one? A Walter, fifteen.
Q Next one? A Ethel, twelve.
Q Next one? A Edith, nine.
Q Are these childrenalliliving with you? A Yes sir.
Q This application,then,is for yourself and five minor children?
A Yes.
Q Has any application of any description ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory,for yourself and five minor children,under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q You understand that 14th article? A Yes sir.
Q You heard the entire examination of Mrs.Ann Garrard this morning, did you not? A Yes sir.
Q Do you knww anything further with reference to a compliance on the part of your ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek than is disclosed by her testimony?
A No sir.
Q Nothng further? A No sir.
Q Have you any witnesses here today to testify in your behalf?
A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission inMuskogee,Indian Territory,and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q Have you any written evidence to offer? A No sir.
Q As far as youknow none of your ancestors ever received any benefits whatever as Choctaw Indians,did they? A Not as I know of.
Q You never heard of any of them ever having gotten any scrip from the Government,did you,under the act of August 23,1842? A No sir.
Q How many brothers have you living? A Four.
Q What are their names? A Charles E. Walker, John S. Walker, Henry S. Walker and Z.T.Walker--three of them are here today but Z.T. isn't here.
Q Has Z.T. ever been before the Commission? A No sir.
Q Have you any brothers dead? A Yes sir.
Q How many? A Two.
Q Did either of them leave descendants? A No sir.
Q Have you any sisters living? A Yes sir,I have two--one is here today.
Q What's her name? A Mrs.Kate Coker.
Q What's the name of the other one? A Mrs.Annie Beane.
Q Where does she live? A Columbia,Alabama.
Q Has she ever been before this Commission? A No sir.

Q Have you any sisters dead? A Yessir.
Q How many? A Three.
Q Did any of them leave children? A No sir.
Q Has your father any brothers living? A Only one.
Q What's his name? A George Washington Walker.
Q Where does he live? A Magnolia,Arkansas.
Q Hashe ever been before this Commission? A Not as I know of.
Q Has your father any other sisters besides Mrs,Garrard living? A Yes sir,he has two others.
Q What are their names? A Mrs.A.D.Williamsof Louisville,Kentucky, and Mrs.Caroline Watson of Columbus,Georgia.
Q What are the names of your children who are of age? A Charles W. Brown and Mrs.Henry McClendon.
Q Have they been before this Commission? A No sir.
Q Where do they live? A Near Americus, Georgia--my son Charlie is in Baltimore,Maryland.

The applicant has the appearance of being a white woman, shows no indications of being possessed of Indian blood--does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 25th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 7th day of May,1902, at Muskogee,Indian Territory.

Charles H. Sawyer
Notary Public.

COPY.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5415.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Mary E. Brown,

Columbia, Alabama.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis,, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jeptha L. Walker, Charles L. Walker, Jeptha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jeptha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

SIGNED

Tams Bixby.

Acting Chairman.

M.C.R. 5415.

COPY.

Muskogee, Indian Territory, July 29, 1903.

Mary E. Brown,

Columbia, Alabama.

Dear Madam,

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

2111 No. 5415

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 25 1902
Date

Name Mary E. Brown

Age 47 Blood 1/32

Post-Office. Columbia, Ala

Father John R. [illegible] Walker d

Mother: Martha L. Walker d

Claims through father husband.

Walter A Brown d

No claim for husband.

[illegible]

Children:

Robert M. Brown		20
Florence	"	18
Walter	"	15
Ethel	"	12
Edith	"	9

Stenographer J. A. Riley

Choctaw MCR 5416

Kate R. Coker

See MCR 3800

MCR 5416

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 25th, 1902.

In the matter of the application of Kate R. Coker for identification as a Mississippi Choctaw.

Said Kate R. Coker, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Kate R. Coker.
Q How old are you? A Twenty-three years old.
Q How much Choctaw blood have you? A One thirty-second.
Q What's your postoffice address? A Columbia, Alabama.
Q How long have you lived there? A Three years.
Q Where did you live before that? A Fort Gaines, Georgia--I was born there.
Q Is your father living? A No sir.
Q What was his name? A John R.T. Walker.
Q Is your mother living? A No sir.
Q What was her name? A Rebecca A. Walker.
Q Through which one of your parents do you get your Choctaw blood? A My father.
Q Through which one of his parents did he get his Choctaw blood? A His father.
Q What was his name? A William Booth Walker.
Q Through which one of his parents did he get his Choctaw blood? A Through his mother, Sarah Booth.
Q Through which one of her parents did she get her Choctaw blood? A Her father, John Booth.
Q You are a half sister of Charles E. Walker who appeared here today? A Yes sir, and Mary E. Brown.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and mother.

By the applicant:
The affidavit filed in the case of Ann J. Garrard covers this point.

Examination by the Commission.

Q Would it be possible for you to get the marriage license and certificate of your parents? A I don't know--it may be possible.
Q Are you married? A Yes sir.
Q Is your husband living? A No sir.
Q Have you any children? A No sir.
Q This application is for yourself only? A Yes sir.
Q Has any application of any description everbeen made before today inyour behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article? A Yes sir.
Q Whatrelationwas your father to Mrs.Ann J. Garrard who appeared before the Commission here this morning? A Full brother.
Q You heard her entire examination,did you not? A Yes sir.
Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek than what is disclosed by her testimony? A I do not.
Q Are there any further statements you care to make at this time in support of your application? A No sir.
Q Any written evidence of any kind to offer? A No sir.
Q Have you any witnesses here today to testify inyour behalf? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission in support of your application they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

The applicant has the appearance of being a white woman--shows no indications of being possessed of Indian blood--does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 25th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 7th day of May,1902,at Muskogee,Indian Territory.

Charles H. Saroyan
Notary Public.

COPY

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5416.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Kate R. Coker,

Columbia, Alabama.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis,, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jeptha L. Walker, Charles L. Walker, Jeptha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jeptha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 8416.

COPY.

Muskogee, Indian Territory, July 29, 1903.

Kate R. Coker,

Columbia, Alabama.

Dear Madam:

You are hereby notified that on the 1st day of July, 1903, The Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 28 1902

Date

Name Kate R. Coker

Age 23 Blood 1/32.

Post-Office Columbia, Ala.

Father John R. I. Walker d

Mother Rebecca A Walker d

Claims through father.

Children:

Stenographer I. A. Niles

Choctaw MCR 5417

John S. Walker

See MCR 3800

MCR 5417

541

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 25th, 1902.

In the matter of the application of John S. Walker for the identification of himself and two minor children, Rosa R., and Mary S., as Mississippi Choctaws.

Said John S. Walker, being first duly sworn, testified as follows:-

Examination by the Commission.

Q What's your name? A John S. Walker.
Q How old are you? A Thirty-five.
Q How much Choctaw blood have you? A One-thirty-second.
Q What's your postoffice address? A Columbus, Georgia.
Q How long have you lived there? A About eighteen months.
Q Where did you live before that? A Abbeville, Alabama.
Q How long did you live there? A About three years.
Q Where did you live before that? A Columbia, Alabama.
Q How long there? A About fifteen years.
Q Where did you live before that? A Fort Gaines, Georgia, I was born there.
Q Is your father living? A No sir.
Q What was his name? A John R.T. Walker.
Q Is your mother living? A No sir.
Q What washer name? A Rebecca A. Walker.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q Are you a full brother of Kate R. Coker who just appeared before the Commission? A Yes sir.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q What's her name? A Mary E. Walker.
Q She has no Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q How many children have you living? A Two.
Q What are their names and ages? A Rosa R., eight.
Q Next one? A Mary S., eighteen months.
Q Are these children living with you at this time? A Yes sir.
Q Have you been married more than once? A No sir.
Q Has your wife? A No sir.
Q Were you married to her under a license? A Yes sir.
Q Have you the license with you at this time? A No sir.
Q Where were you married to her? A Abbeville, Alabama.
Q When? A 1889.
Q Who married you? A Rev. I.F.Betts.

It willbe necessary for you to furnish the Commission with proper evidence of your marriage to your wife Mary for use in connection with the application you make for your minor children. This evidence should be furnished within thirty days from this date, if possible.

Q This application is for yourself and two minor children? A Yes sir.
Q Has anyapplication of any kind ever been made before today for you or eithe r of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A I think so.
Q What relationwas your father to Mrs.Ann J.Garrard who has appeared before the Commission here today? A Full brother.
Q You head her entire examination,did you not? A Yes sir.
Q Do you know anything further with reference to a compliance on the part of your ancestors with the 14th article of the treaty of Dancing Rabbit Creek than is disclosed by her testimony? A No sir.
Q Did you ever hear of any of your ancestors everhaving received any benefits as Choctaw Indians? A No sir.
Q Any further statements you want to make at this time in support of your application? A I want to identify myself as the son of Mrs.John R.Walker.
Q Nothing further you want to say? A No sir.
Q Have you any written evidence of any kind to offer? A No sir.
Q Any witnesses? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission,they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

Q Have you any brothers here today? A Two.
Q What are their names? A Charles F. is my half brother and Henry S. my fullbrother.

The applicant has the appearance of being a white man--showsno indications of being possessed of Indian blood--does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 25th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles.

Subscribed and sworn to before me this the 7th day of May,1902, at Muskogee,Indian Territory.

Charles H. Hanson

Notary Public.

Miss.Choctaw 8417

Muskogee, Indian Territory, May 17,1902.

John S. Walker,

Columbus, Georgia,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 12, inclosing certified copy of marriage license and certificate between John S. Walker and Mary E. Clendinen, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in said case, and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

Miss.Choctaw 5417.

Muskogee, Indian Territory, May 26,1902.

Henry S. Walker,

Americus, Georgia,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 21, inclosing affidavit of N. G. Prince as to the marriage of John R.T. Walker and Rebecca A. Stewart, your father and mother, in 1866, and letter of W. E. Butt, Ordinary of Marion County, Georgia, where you state your father lived at that time, to the effect that he has no record of the marriages of that county earlier than 1868, and you state that you can secure the affidavit of another witness who was present at the marriage between your father and mother if necessary.

In reply to your letter you are advised that the affidavit has been filed with the record in your case, but it will be necessary for you to forward the certificate of the officer in charge of the marriage records of the county in which the marriage took place, that the records have been lost or destroyed, and the affidavit of another eye witness to the marriage, before the same can be accepted by the Commission as conclusive evidence of the marriage. The letter of W. E. Butt is herewith returned to you.

Yours truly,

AB 5-26

Acting Chairman.

COPY.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5417.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

John S. Walker,

Columbus, Georgia.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis,, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jeptha L. Walker, Charles L. Walker, Jeptha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jeptha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered.

Acting Chairman.

M.C.R. 8417.

COPY.

Muskogee, Indian Territory, July 29, 1903.

John S. Walker,

Columbus, Georgia.

Dear Sir:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED. FEB 27 1900 MUSKOGEE, IND. TER.

Return to A. Wilder

2458

John C. Walker,

Columbus, Georgia.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 7 1903

CHAIRMAN

Rec'd ... Library Div.
FEB 25 1903
COLUMBIA

No. 5417

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 25 1902

Name John S. Walker

Age 35 Blood 1/32

Post-Office, Columbus, Ga.

Father, John R. T. Walker d

Mother, Rebecca A " d

Claims through father.

Wife Mary E. Walker

no claim for wife

For 200 [illegible]

Children:

Rosa R Walker 8

Mary A " 18 My

I. I. Niles

Choctaw MCR 5418

Henry S. Walker

See MCR 3800

MCR 5418

541 S

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 25th, 1902.

In the matter of the application of Henry S. Walker for the identification of himself and two minor children, Henry S. Jr., and George D. Walker, as Mississippi Choctaws.

Said Henry S. Walker, being first duly sworn, testified as follows:-

Examination by the Commission.

Q What's your name? A Henry S. Walker.
Q How old are you? A Thirty-three.
Q How much Choctaw blood have you? A One-thirty-second.
Q What's your postoffice address? A Americus, Georgia.
Q How long have you lived there? A About eleven years.
Q Where did you live before that? A Columbia, Alabama.
Q How long? A About eight years.
Q Where did you live before that? A Fort Gaines, Georgia.
Q Were you born there? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A John R.T. Walker.
Q Is your mother living? A No sir.
Q What was her name? A Rebecca A. Walker.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q Are you a full brother of John S. Walker and Kate R. Coker who just appeared before the Commission? A Yes sir.
Q What relation are you to Mary E. Brown and Charles E. Walker? A They are half sister and brother to me.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What's her name? A Valencia.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q Have you been married more than once? A No sir.
Q Has she? A No sir.
Q How many children have you living? A Two.
Q What are their names and ages? A Henry S.Jr., four years old.
Q Next one? A George D.
Q How old? A One and a half.
Q Is that all? A Yes sir.
Q Are these children living with you at this time? A Yes sir.
Q This application, then, is for yourself and two children? A Yes sir.
Q Were you married to your wife Valencia under a license? A Yes sir.
Q Where at? A Columbia, Alabama.
Q When? A '94.
Q By whom? A Rev. W.G. Cleveland.
Q A minister of the Gospel? A Yes sir.
Q Have you your license and certificate with you at this time? A No sir, I will get it, though.

It will be necessary that the Commission be furnished with proper evidence of your marriage to your wife Valencia, for use in connection with the application you make in behalf of your minor children.

Q Has any application of any description everbeen made before today in your behalf or inbehalf of your minor children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at the time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q You understand that 14th article? A I think so.
Q What relation was your father, John R. Walker to Mrs. Ann J. Garrard who has appeared before the Commission today? A Fullbrother.
Q You head her entire examination, did you not? A Yes sir.
Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek than what is disclosed by her testimony? A No sir.
Q Are there any further statements you desire to make at this time in support of your application? A No sir.
Q Hav you any witnesses here todayto testify in your behalf?
A No sir.
Q Have you any written evidence of any kind to offer? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission thy may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at Muskogee, Indian Territory, and their testimony will be taken.

The applicant has the appearance of being a white man--shows no indications of being possessed of Indian blood--does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 25th, 1902, and that the above and fofegoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 7th day of May, 1902, at Muskogee, Indian Territory.

Charles M. Dawson

Notary Public.

Miss.Choctaw 5418

Muskogee, Indian Territory, May 19,1902

Henry S. Walker,

Americus, Georgia,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 13, inclosing certified copy of marriage license and certificate between Henry S. Walker and Valencia Davenport, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in this case.

Replying to that part of your letter in which you state that you have not yet received evidence of the marriage of your father and mother but expect to secure the same within a few days, and ask if that will be satisfactory, you are advised that the Commission will receive and file such evidence provided the same is offered for filing within a reasonable time.

Yours truly,

Acting Chairman.

M.C.R. 3416.

Muskogee, Indian Territory, August 26, 1903.

Henry N. Walker,

Americus, Georgia.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st inst., enclosing affidavit of J.W. Sears, and certificates of A.T. Fort, Ordinary, Stewart County, Georgia; and W.E. Bull, Ordinary, Marion County, Georgia; which you offer for filing in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

The same have been filed with the record in this case.

Yours truly,

Acting Chairman.

M C R 5418

Muskogee, Indian Territory, February 9, 1903.

H. S. Walker,

Americus, Georgia.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 30, 1903, asking the status of your application for identification as a Mississippi Choctaw.

In reply to your letter you are advised that it appears from our records that you are an applicant to this Commission for identification as a Mississippi Choctaw. No decision or opinion has yet been rendered relative to your right to such identification, and it is impossible at this time to say just when your case will be taken up for consideration and determination.

As soon as a decision is reached in your case you will be notified of the action of the Commission.

Respectfully,

Acting Chairman.

COPY.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5418.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Henry S. Walker,

Americus, Georgia.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis,, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jeptha L. Walker, Charles L. Walker, Jeptha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jeptha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Tams Bixby.

Acting Chairman.

M.C.R. 5418.

COPY.

Muskogee, Indian Territory, July 29, 1903.

Henry S. Walker,

Americus, Georgia.

Dear Sir:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

T. B. Needles,

Commissioner in Charge.

No. 5418

For Identification as a Mississippi Choctaw.

Meridian Miss

Date APR 25 1902

Name Henry S. Walker

Age 33 Blood 1/32

Post-Office, Americus, Ga

Father John R T Walker d

Mother Rebecca A Walker d

Claims through father.

Wife Valencia D Walker d
no claim for wife

For allotment, children

Children:

Henry L. Walker Jr 4

George D. " 1½

Stenographer T. A. Niles

Choctaw MCR 5419

William F. Dent

See MCR 5432

MCR 5419

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 25th, 1902.

In the matter of the application of William F. Dent for the identification of himself and one minor child, Virginia F. Dent, as Mississippi Choctaws.

Said William F. Dent, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A William F. Dent.
Q How old are you? A I was born in '51--fifty-two my next birthday
Q How much Choctaw blood have you? A Quarter--my father was a half breed.
Q What's your postoffice address? A #4925 Magnolia Ave., St.Louis, Missouri.
Q How long have you lived in St.Louis? A This last time I suppose I've been there about six years.
Q Where did you live immediately prior to that? A I lived in Washington, D.C. for three years.
Q Where did you live before that? A In Mississippi.
Q What place? A Natchez.
Q How long? A I was born in Washington, Adams County, Mississippi, and lived there fof about thirty five years--that is about six miles from Natchez.
Q Is your father living? A No sir.
Q What was his name? A Thomas J. Dent.
Q Is your mother living? A No.
Q What was her name? A Jane Dent.
Q Through which one of your parents do you derve your Choctaw blood A Father.
Q You claim your father was a half blood Choctaw? A Yes.
Q Do you know the names of his parents? A I do not--that's beyond my comprehension.
Q Do you know through which one of his parents he got his Choctaw blood? A No, my sister will be here tonight--she could tell that. I rather think, though, it was the woman; I am not sure though.
Q Where was your father born? A He must have been born in Mississippi, so far as I know; I never heard him say.
Q Did you ever hear of his having lived anywhere except in Mississippi? A No.
Q What's the name of your wife? A Isabel.
Q Is she living? A Yes.
Q Has she any Choctaw blood? A No.
Q You make no claim for her, then? A None at all.
Q Have you been married more than once? A No.
Q Has she? A No sir.
Q Were you married to her under a license? A Yes.
Q Where? A St.Louis.
Q When? A Its been ab out thirteen years ago.
Q Who performed the marriage ceremony? A A Methodist minister, I think by the name of Matthew.

Q Have you your marriage license and certificate with you at this time? A No sir.
Q What's the name of your child? A Virginia F.
Q How old is she? A About nine.
Q Is she the child of yourself and Isabel Dent? A Yes sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Isabel for use in connection with the application you make in behalf of your minor child.

Q Were your father and mother married under a license? A I couldn't say--I think they were but I am not sure.
Q Do you know whether they lived together as husband and wife? A Yes sir, I am satisfied of that.
Q How long did they live together? A Up to the time of his death I know they were living together
Q How many children did they leave? A Five boys and four girls to my knowledge.

It will be well for you to furnish the Commission, if possible, with proper evidence of the marriage of your father and mother for use in connection with your application.

Q This application is in behalf of yourself and one minor child? A Yes.
Q Has any application of any description ever been made before today for you or this child for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under article 14 of the treaty of Dancing Rabbit Creek? A Yes.
Q Do you understand that 14th article of the treaty of Dancing RabbitCreek? A I haven't read it over.

This treaty of Dancing Rabbit Creek was entered into here in Mississippion the 27th day of September, 1830, between the Government of the United States and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portionof the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of these Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was inserted in the treaty. That 14th article

provided that upon certain conditions a Choctaw who preferred to stayhere in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and becoke a citizen of the States shall be permitted to do so by signifying his intentionto the Agent within six months from the ztification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land,to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age,to adjoin the location of the parent. If they reside upon said land,intending to become citizens of the States,for five years after the ztification of this treaty,in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claimunder this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek--do you think you understand it now? A Yes,I think I do.
Q Did any of your ancestors ever comply orattempt to comply with its provisions or ever receive any benefits under that article,to your knowledge? A Not to my knowledge.
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A I am not sure but I think my father owned his own place but not by concession of the Goverrment at all.
Q His place at that time was in Adams County,Mississippi,was it not? A Yes.
Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not to my knowledge.
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi,for the Choctaws,know that thy wanted to stay here and become citizens of the States and take land? A Not to my knowledge.
Q Did any of them ever claim or receive any land in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I think not.
Q Did you ever hear of any of them ever having gotten any land from the Government? A No.
Q If any of your ancestors,then,,ever received any benefits whatever as Choctaw Indians you never heard of it? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek theGovernment of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government,at its public land sales here in Mississippi,in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of h the treaaty of Dancing Rabbit Creek? A Not to my knowledge.

An act of Congress approved the 23rd day of August,1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government,he should be entitled to select,in place of the land so sold by the Government,land some place else here in Mississippi or in Alabama,Louisiana or Arkansas,from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not to my knowledge.
Q Do you know of any real old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receivedany benefits thereunder? A No sir,for the reason that they were very old when they died.
Q Do you know of any witten evidence of any description which would prove or tend to prove such a state of facts? A None.
Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.
Q Have you any witnesses here today to testify in your behalf? A None.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and thex thirtieth of this month or within a reasonable time at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

Q Are there any further statements you want to make at this time? A No sir,with the exception that the evidence that hasbeen given in the cases of this family,would it have a bearing in my case.

Commission:
Yes sir,that evidence will be considered in your case.

Q Have you any brothers living? A I have one.
Q What's his name? A John Dent.
Q Where does he live? A He lives everywhere.
Q Has he been before this Commission? A No.
Q You don't know where he is living at this time? A No,the last I heard of him he was in Grenada,Mississippi--he isn't there now.
Q Have you any sisters living? A Yes.
Q How many? A One.
Q What's her name? A Mary Dent.
Q Is shemarried? A Yes.
Q What's her husband's name? A Clapp.
Q Any othername? A That's all.
Q Where does she live? A In Natchez,Mississippi.
Q Has she been before the Commission? A No,she will be here tomorrow.
Q Have you any brothers dead? A Yes.
Q How many? A Three.
Q Did any of them leave children? A Yes.
Q How many of them left children? A One of them left children.
Q What was hés name? A Augustus Dent.
Q How many children did he leave? A Two boys and a girl.
Q Are they living,those children? A Yes.
Q Have they been before this Commission? A I think they have.
Q What are their names? A Tom,Charles and Augusta.
Q Is the girl married? A No sir,I think not.
Q Have you any sisters dead who left children A Yes.
Q How many? A I have two sisters dead.
Q Who left children? A yes sir.
Q What was the name of the oldest one who left children? A Margaret Davis.
Q How many children did she leave? A She left four.
Q Are they living now? A Three of them are living.
Q Did the fourth oneleave children? A No.
Q What are the names of the three who are living? A William Minor Davis who lives in Natchez,Mississippi,andhas been before the Commission.
Q Next one? A Thomas Davis.
Q Next one? A Virginia Walker.
Q Has she been before the Commission? A I am not sure.
Q Where does she live? A Natchez,Mississippi.
Q Has Thomas Davis been before the Commission? A I think so.

Q What's the name of the other sister who left children? A Martha Wilkins.
Q How many children did shelsave? A She left two.
Q Are they living? A One of them is living.
Q What's thename of the onewho is living? A Lizzie Wilkins.
Q Is she married? A No.
Q Where does she live? A St.Louis.
Q Has she been before the Commission? A No.
Q What was the name of the other of your sister's children?
A Mary Frances Morrison.
Q Did she leave children? A Yes sir.
Q How many? A Three.
Q Are they living? A Yes.
Q Where? A St.Louis.
Q With whom do they live? A Their father.
Q What's his name? A Frank Morrison.
Q Has any application been made to this Commission in behalf of these children? A No sir.
Q Did your father ever have any brothers or sisters? A Not to my knowledge.
Q Could he speak the Choctaw language? A I think so--I am not sure.
Q You don't know where he was born? A No,I don't know whether he was born in Mississippi or not.
Q About how old do you think he would be if he were living now?
A I suppose he would be about eighty-eight or ninety years old.

The applicant has a dark skin,black hair and beard--his eyes are dark gray--he has none of the features or characteristics of an Indian--does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 25th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 8th day of May,1902,at Muskogee,Indian Territory.

Charles K. Sawyer

Notary Public.

COPY.

M.C.R. 5419

Muskogee, Indian Territory, August 27, 1902.

William F. Dent,

4925 Magnolia Ave.,

St. Louis, Missouri.

Dear Sir:

You are hereby advised that on the 27th day of August,1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Clapp, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Clapp,	M.C.R.	5432
William M. Davis	"	4791
Laura Allain,	"	4796
Irene V. Miller, et al.,	"	4787
Maud M. Stevens, et al.,	"	5341
Thomas H. Davis, et al.,	"	4795
Virginia E. Walker, et al.,	"	4793
William F. Dent, et al.,	"	5419
Thomas J. Dent, et al.,	"	4788
Charles R. Dent,	"	4789
Augusta Dent,	"	4790
Louis Dent,	"	4794

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Clapp, William M. Davis, Laura Allain, Irene V. Miller, Emily Miller, Maud R. Stevens, Marguerite Stevens, William M. Stevens, Thomas M. Davis, Mamie Davis, Joseph Davis, Marguerite Davis, George Davis, Thomas Davis, Norma Davis, Virginia E. Walker, Livingston W. Irving, William F. Dent, Virginia F. Dent, Thomas J. Dent, Charlie Dent, Selma Dent, Robert Dent, Charles H. Dent, Augusta Dent and Louis Dent as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

M C R 5419

Muskogee, Indian Territory, October 29, 1902.

William F. Dent,
4925 Magnolia Avenue,
St. Louis, Missouri.

Dear Sir:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Clapp, et al., of which decision you were advised by registered mail on the 27th day of August, 1902.

Respectfully,

Tams Bixby.
Acting Chairman.

#2115 No. 5119

For Identification as a Mississippi Choctaw.

Meridian Miss APR 25 1902
Date

Name William F. Dent.

Age 51 Blood 1/4

Post-Office. 4925 Magnolia Ave St. Louis, Mo.

Father: Thomas J Dent d

Mother: Jane d

Claims through father.

wife Isabel Dent L

No claim for wife.

For Dell [illegible]

Children:

Virginia F. Dent 9

J. J. Hales

Choctaw MCR 5420

Virginia Wilson

See MCR 4670

MCR5420

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 25th, 1902.

In the matter of the application of Virginia Wilson for the identification of herself and one minor child, Maggie, as Mississippi Choctaws.

Appearances: A.W. Trotter, Attorney for applicant.

Said Virginia Wilson, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Virginia Wilson:
Q How old are you? A Twenty-three.
Q How much Choctaw blood do you claim to have? A I don't know, sir.
Q What's your postoffice address? A Enondale.
Q What County? A Kemper County.
Q How long have you lived in Kemper County, Mississippi? A All my days.
Q Is your father living? A Yes sir.
Q What's his name? A Rich Hogins.
Q Is your mother living? A Yes sir.
Q What's her name? A Lucinda Hogins.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q Has he already appeared before the Commission? A Yes sir.
Q How much Choctaw blood does your father claim to have? A His mother was a half.
Q Then, he would be a quarter? A Yes sir.
Q You would be an eighth, wouldn't you? A Yes sir.
Q About how old is your father? A I don't know.
Q Can't you give us an idea? A He might be about sixty.
Q Through which one of his parents, do you say he gets his Choctaw blood? A His mother.
Q What was her name? A Chaney Whitsett.
Q Has your father lived in Mississippi all his life? A Ever since I've knowed him.
Q You don't know where he lived before you were born? A No sir.
Q Do you know where his mother lived? A In Kemper County.
Q Where was she born? A I don't know, sir.
Q How long has she been dead? A I was about seven years old when she died.
Q About how old was she when she died? A I don't know, sir-she was right old.
Q Was she a slave? A Yes sir.
Q Was your father a slave? A I guess he was.
Q Do you know the names of Chaney's parents? A No sir.
Q You don't know anything about them? A No sir.
Q Did you ever hear of Chaney ever living anywhere outside of the State of Mississippi? A No sir,
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What's his name? A John Wilson.
Q Has John any Choctaw blood? A No sir.

Q You make no claim for him,then? A No sir.
Q How many children have you living? A I have but one.
Q What's that child's name? A Maggie.
Q Is she the child of yourself and John Wilson? A Yes sir.
Q How old is she? A She's a year and seven months old.
Q This application,then,is for yourself and one child,is that right? A Yes sir.
Q Has any application of any description ever been made before today for you or this child for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and child under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

This treaty was entered into here in Mississippi on the 27th day of September,1830,between the United States Government and the Choctaw Tribe of Indians. At the time the treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws here did not want to leave this country and go out thereto the new nation and for the benefit of those who preferred to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out to the new nation might receive land here in Mississippi from the Government.It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land,to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age,to adjoin the location of the parent. If they reside upon said land,intending o become citizens of the States,for five years after the ratification of this treaty,in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they

ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you fully the 14th artide of the treaty of Dancing Rabbit Creek; do you understand it? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A I don,t know.
Q Did any of them own an improvement here at that time? A I don't know.
Q Did any of them remove to the present Choctaw Nation inIndian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know,sir.
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi,for the Choctaws,know that they wanted to stay here and become citizens of the States and take land? A I don't know,sir.
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A I don,t know,sir.
Q Did you ever hear of any of your people ever having gotten any land from the Government? A No sir.
Q Or any money? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government,at its public land sales here in Mississippi,in many instances sold land upon which Chictaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great dealof complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners

and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know,sir.

An act of Congress approved the 23rd day of August,1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treatyof Dancing Rabbit Creek but that his land had been sold by the Government,he should be entitled to select,in place of the land so sold by the Government,land some place else here in Mississippi or in Alabama,Louisiana or Arkansas,from vacant Government land and should be givena certificate to that effect. These certificates were called scrip.

Q Did anyof your ancestors ever get anyof this scrip from the Government of the United States under this act of Congress? A I don't know,sir.
Q If any of your ancestors ever received any benefits whatever as Choctaw Indians you never head of it? A No sir.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence of any kind to offer at this time?
A No sir.
Q Have you any witnesses here today to testify in your behalf?
A No sir,none but my father.

If you should find any other witnesses whose testimony you desire to have taken before the Commission,they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q Have you any brothers living? A Yes sir.
Q How many? A I've got five brothers.
Q Any of them of age? A No sir.
Q All under age? A Yes sir.
Q Have you any sisters living? A Yes sir.
Q How many? A Three.
Q Are any of them of age? A No sir.
Q Are they full brothers and sisters of yours? A Yes sir.
Q Your father has furnished the Commission with the evidence of his marriage to your mother? A Yes sir.

The applicant has the appearance of being a full blood

negro--shows no indications of being possessed of Indian blood and does not speak or understand the Choctaw language.

Rich Hogins,witness in behalf of applicant,being first duly sworn,testified as follows:

Examination by the Commission.

Q What's your name? A Rich Hogins.
Q How old are you? A Fifty years old the 10th of this last February.
Q What's your postoffice address? A Enondele,Kemper County,Mississippi.
Q Are you the Rich Hogins who appeared here before the Commission at Meridian,Mississippi,on the 2nd day of last February and made application for the identification of yourself and eight minor children as Mississippi Choctaws? A Yes sir.
Q Is Virginia Wilson who has just appeared before the Commission as an applicant for identifi cation as a Mississippi Choctaw,your daughter? A Yes sir.
Q What's the name of her mother? A Lucinda Hogins.

(Witness excused)

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes,he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 25th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 9th day of May,1902, at Muskogee,Indian Territory.

Charles H. Sawyer

Notary Public.

COPY

M.C.R. 5420

Muskogee, Indian Territory, October 28, 1902.

Virginia Wilson,

Enondale, Mississippi.

Dear Madam:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rich Hogins, et al., embracing the following applications for identification as Mississippi Choctaws:

Rich Hogins, et al., M.C.R. 4670
Virginia Wilson, et al., " 5420

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rich Hogins, Ovesta Hogins, Minnie Hogins, Richmond Hogins, Joel Hogins, Harvey Hogins, Lucy Hogins, Blanny Hogins, Willie Hogins, Virginia Wilson and Maggie Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Breckinridge
Commissioner in Charge.

Registered.

M.C.R. 8429.

COPY.

Muskogee, Indian Territory, February 21, 1903.

Virginia Wilson,

Enondale, Mississippi.

Dear Madam:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rich Hogins, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

(SIGNED).

Tams Bixby.

Acting Chairman.

#2116 No. 5420

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 25 1902

Date

Name Virginia Wilson

Age 23 Blood 1/8

Post-Office Enondale, Miss

Father: Rich Hogin ✓ L

Mother: Lucinda " L

Claims through father husband John Wilson L

No claim for husband.

For self " one child

Children:

Maggie Wilson 1

Stenographer T. B. Niles

Choctaw MCR 5421

Henry W. McGuire

See MCR1

MCR 5421

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 29, 1902.

M T - 5421 -

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In the matter of the application of Henry W. McGuire for the identification of himself as a Mississippi Choctaw.

Applicant not represented by Attorney.

Henry W. McGuire being first duly sworn testified as follows:

Examination by the Commission.

Q. What is your name? A. Henry W. McGuire.
Q. How old are you? A. I am sixty-four years old.
Q. What is your post-office address? A. Banner, Calhoun county, Mississippi.
Q. Have you any minor children for whom you want to make application? A. No, sir.
Q. You apply for yourself alone? A. Yes, sir.
Q. Is your father living? A. No, sir.
Q. Is your mother living? A. No, sir.
Q. What was your father's name? A. John McGuire.
Q. What was your mother's name? A. Elizabeth McGuire.
Q. What was her name before she married your father? A. Elizabeth Smith.
Q. You claim through which parent? A. Through both.
Q. How much do you claim? A. I am a little mixed on that. My grandfather on my mother's side was said to be full blood. I never saw him and don't know for certain, and my great grand mother was also an Indian.

Q. You claim through your mother? A. Yes, sir.
Q. And she claimed through her father, and he had how much blood? A. He was said to be full blood.
Q. And you claim through your father? A. Yes, sir.
Q. Did he claim through his father or mother? A. His mother.
Q. How much Choctaw blood did she have? A. She was a half.
Q. Did your grandmother claim through her great-grandfather or her great-grandmother? A. On my father's side the blood came from my great-grandfather.
Q. And how much Choctaw blood did he have? A. He was a full blood.
Q. And on your mother's side her father was a full blood? A. Yes, sir.
Q. And on your father's side your great-grandfather was a full-blood Choctaw? A. Yes, sir.
Q. If your grandfather on your mother's side was a full blood that would give you a quarter there, wouldn't it? A. Yes.
Q. And your grandfather on, I should say, if your greatgrandfather on your father's side was a full blood you would get one-eighth there, wouldn't you? A. Yes, sir.
Q. Then one-fourth and one-eighth makes three-eightshs, and that is what you claim, is it? A. Yes, sir. I had never figured it out.
Q When were your father and mother married? A. About the year 1836.
Q. Were they married by a minister under a license? A. I presume so.
Q. Have you the proof of their marriage with you? A. No.
Q. Can you introduce it later? A. I presume I can.

A reasonable time will be allowed for this purpose.

Q. Are you married? A. Yes, sir.
Q. Is your wife living? A. Yes, sir.
Q. Is she a white woman or a Choctaw Indian? A. White woman.
Q. What is her name? A. Minerva Adeline is her given name.
Q. You make no claim for her? A. No, sir.
Q. Do you make application for yourself alone? A. Just for myself.
Q. Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No, sir.
Q. Have you ever made application for Choctaw citizenship to the Choctaw tribal authorities or to the United States authorities in Indian Territory? A. No, this is my first application.
Q. Did you ever make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896.? A. No, sir.
Q. You have never been admitted to citizenship by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A. No, sir.
Q. Do you now come before the Commission and make application for identification as a Mississippi Choctaw, claiming rights under article fourteen of the treaty of 1830? A. Yes, sir.
Q. Do you understand that article of that treaty? A. I don't think I understand it.
Q. Would you like to have it explained?
A. Yes, I would like to have it explained.

The treaty of 1830 was made in the State of Mississippi at a place called Dancing Rabbit Creek, on the 27th day of September of that year, and it was made between the United States and the Choctaw Nation, for the special purpose of removing the Choctaw Indians from the old Choctaw Nation east of the Mississippi River in Mississippi and Alabama to the Choctaw Nation in Indian Territory; but before the treaty was signed it became known that a good many Choctaw Indians would not go from that old Choctaw Nation, and it was for the purpose of protecting those who refused to go that the fourteenth article was put into that treaty.

The treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of the Treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under thisarticle shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of that treaty?
A. I don't know.
Q. Do you know whether any of your ancestors ever went to Col. Ward, the United States Indian Agent, and told him they wanted to remain in Mississippi, take land and become citizens there?
A. I can't be right clear.
Q. You don't know about that, do you? A. No, sir. My father came into possession of a quarter section of land and it afterwards became involved in a lawsuit and he lost it. I remember well about the contest in the courts.
Q. Do you remember when that contest was? A. It was in 1844 , '45, or probably in 1846.
Q. You would have been 18 or 20 years of age then? A. No, I was born in 1838 .
Q. You are 64 now, and this was in 1845, you would have been quite a boy? I was a small boy.
Q. Do you remember whether this contest was over land which your father claimed to have gotten from the government? A. I can't be positive, Judge.
Q. Do you remember whether one of them claimed the land from the government and the other bought it? A. I cannot say as to that.
Q. Would that land have descended to you if your father had won the contest? A. Yes, sir. I guess so.

Q. Do you know whether your father held that landas a Choctaw Indian? A . I can't be positive. That was the idea handed to me, that it was his claimas a Choctaw Indian.
Q. Where did you get that idea? A. From my father, and mother.
Q. Where was this land? A. In Calhoun county, Mississippi.
Q. Who won the suit? A. The other man.
Q. Did your father ever have any proof or evidence that that land came from the government to him as a Choctaw Indian? A. If he had recieved it from the government I guess there would have been no dispute about it.
Q. How much land was there? A. 160 acres.
Q. Did any of your Choctaw ancestors go within six months after the ratification of that treaty to the United States Indian Agent, Col. Ward, and tell him that they wanted to stay back in Mississippi, take lands there and become citizens of the States? A. I don't know.
Q. Did any of your Choctaw ancestors go from the old Choctaw nation east of the Mississippi River to the Choctaw Nation in Indian Territory with other Indians who wnt between 1833 and 1838 and 1840? A. I don't know.
Q. Did any of your ancesters comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A. I don't know. I cannot be positive.
Q. What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A. Smith was my grandfather's name.
Q. What was his full name? A. Richard Smith.
Q. Was he your mother's father? A. Yes, sir.
Q. On your father's side you claimed through your great-grandfather, what was his name? A. Asa Langston.
Q. That makes you three-eighths? A. Yes, sir. Asa Langston's wife was a Watson and he was my great-grandfather.
Q. You gave in your testimony while ago that your mother's father was a full blood and that your father's mother was a half blood, is that right? A. Yes, sir.
Q. And your father's mother's father was Asa Langston, is that right? A. Yes, sir.
Q. Did either Asa Langston or ~~Asa~~ Richard Smith live in Mississippi or Alabama and were the heads of families there in 1830,-- that was 72 years ago? A. I think they did.
Q. Both of them? A. Yes, sir.
Q. Both have families there? Yes, sir.
Q. Were they heads of families in Mississippi in 1830? A I presume so.
Q. How do you know? A. My father and mother were married there.
Q. How do d you know that Richard Smith lived in Mississippi in 1830 and had a family there? A. I understood so from my mother. And my father said so.
Q. That's what I wanted to get at. Did either Richard Smith or Asa Langston have Indian names? A. I don't know.
Q. Di d either of them speak the Choctaw language? A. Not that I know of.
Q. Did any of your Choctaw ancestow live in Mississippi or Alabama in 1830? A. I think so.
Q. Did they own lands there in 1830? A. I think so.
Q. Did you ever hear that Asa Langston had lands in Mississippi in 1830? A. I don't know.
Q. Did any of your ancestors own lands in Mississippi in 1830, except your father? A. Not that I knew of.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to Col. Ward, the U. S. Indian Agent, within six months after the treaty was ratified andt ell him that they wanted to stay, take lands and become citizens of the States . A great many Choctaw Indians did this whose names Col. Ward failed to place upon his list, known as "Ward's Register ". His neglect to do this caused a great many complaints among the Choctaw Indians, for the government took the lands and improvements from many of them and sold them at its public lands sales. This caused so many complaints among the Indians that congress appointed a commission in 1837, by an act of March 3rd of that year, which went to Mississippi and heard claimants under the provisions of article fourteen of the treaty of 1830. In 1842 congress appoint d another commission for the same purpose, and both commissions heard claimants under article fourteen of the treaty of 1830?, and made lists of such names as came before them.

Q. Did any of your ancestors go before either of these commissions and claims benefits under article fourteen of the treaty of 1830? A. I don't know.
Q. Did any of your ancestors ever receive any scrip from the government as Choctaw Indians which entitled them to take lands from the vacant government lands in Mississippi, Alabama, Arkansas and Louisiana to take the place of lands which had been taken from them by the government and sold? A. I don 't know.
Q. Have you any relatives who have appared befofe the Commission to be identified as Choctaw Indians, Mississippi Choctaws? A. Yes, sir. Mrs. Sophie Powell, Mrs. Julia Stephens, Mrs. Hattie Davis, R. H. Davis, who is my nephew.
Q. When did they appear before the Commission? A. I think it was in February. Mrs. Powell and Mrs. Stephens appeared in February of this year.
Q. Did any of them appear as Mississippi Choctaws? A. I think all of them did.

The case of Hattie Davis is No. M C R - 148
The case of Sophie Powell is combined with the case of Julia Stephens and the two are referred to as Case No. 1.
The case of Robert H. Davis is referred to as No. 4689.

Q. Would you like to have your case consolidated and considered with those of your relatives who claim from a common ancestor? A. Yes, sir.
Q. Do you understand or speak the Choctaw language? A. No, sir.
Q. Is there anything more you want to say in support of your claim? A. Not that I know of. I will state this, that I will have some more proof in time.
Q. Is there any other evidence you want to introduce now? A. No.

Reasonable time will be granted this applicant in which to introduce other testimony in support of this application.

Note. Applicant asked permission to make the following correction in his testimony which he has just concluded:

Q. On your father's side you said you claimed Choctaw blood through your grandfather, Asa Langston, did n't you testify that you derived your Choctaw blood through your grandfather, Asa Langston? A. I guess I did.
Q. You made a mistake, then, didn't you? A. Yes, sir.
Q. So you claim through Tabitha Watson who married Asa Langston? A. That's right.
Q. So you wish to make this correction in your testimony which occurred to you from hearing your nephew testify in his behalf? A. Yes, sir.
Q. So Asa Langston who married Tabitha Watson was a white man? A. Yes, sir.

This applicant has the appearance and physical characteri stics of being descended from white parents. He has black hair, brown eyes, of a dark complexion; he does not speak or understand the Choctaw language and has no knowledge of any compliance on the part of his ancestors with article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above and foregoing proceedings on April 29, 1902; and that the foregoing is a true, full and complete transcript of his stenographic notes in same.

S. A. Apple

Subscried and sworn to before me this 3rd day of May, 1902.

Notary Public.

M.C.R. 5421

Muskogee, Indian Territory, October 23, 1902.

Henry W. McGuire,

Banner, Mississippi.

Dear Sir:

You are hereby advised that on the 23rd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Julia Stephens, et al., embracing the following applications for identification as Mississippi Choctaws:

Julia Stephens, et al.,	M.C.R. 1
Hattie A. Davis, et al.,	M.C.R. 4678
Robert H. Davis, et al.,	M.C.R. 4689
Henry W. McGuire	M.C.R. 5421
John F. Davis, et al.,	M.C.R. 5422

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Julia Stephens, Bert Stephens, Mertie Stephens, Sophia Powell, Viola M. Harden, Tura Powell, Pearl L. Powell, Vivian I.Powell, Alvis P. Powell, Forrest Powell, Prentiss P. Harden, Hattie A.

Davis, Dasie Alice Davis, Bertha May Davis, Henry Algin Davis, Robert H. Davis, Urma Fay Davis, Henry W. McGuire, John F. Davis and John W. Davis, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M. C. R. 6421

COPY.

Muskogee, Indian Territory, August 27, 1904.

Henry W. McGuire,

Banner, Mississippi.

Dear Sir:

You are hereby notified that on the 3d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Julia Stephens et al., of which decision you were advised by registered mail on the 23d day of October, 1902, and July 10, 1903.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

No. 5421

For Identification as a Mississippi Choctaw.

Date APR 29 1902

Name Henry W. McGuire

Age 64 Blood 3/8

Post-Office, Banner, Miss.

Father: John McGuire, d

Mother: Elizabeth " d

Claims through both parents —

wife. Minerva A. " l. w.

No claim for wife

Children:

Claims for self alone.

Stenographer S. A. Apple —

Choctaw MCR 5422

John F. Davis

See MCR. 1

MCR 5422

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 29, 1902.

5/22
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In the matter of the application of John F. Davis for identification of himself and his minor child, John W. Davis, as Mississippi Chectaws.

Applicant not represented by attorney.

John F. Davis being first duly sworn testified as follows:

Examination by the Commission.

Q. What is your name? A. John F. Davis.
Q. How old are you? A. I will be twenty-seven in May.
Q. What is your post office address? A. Banner, Mississippi.
Q. How long have you lived there? A. A little over a year.
Q. Where did you live before you came there? A. Pittsboro, Miss.
Q. Where is that? A. Fifteen miles south of Banner, in Calhoun county.
Q. Did you never live in any other state? A. Never did.
Q. Is your father living? A. Yes, sir.
Q. Is your mother living? A. Yes, sir.
Q. What is your father's name? A. Virgel L. Davis.
Q. What is your mother's name? A. Mattie A. Davis.
Q. You claim through which parent? A. My mother.
Q. How much Choctaw blood do you claim? A. It is hard to tell, but about one-sixteenth, I guess.
Q. Have you or your mother ever been recognized in any way or enrolled as citizens of the Choctaw Nation by the Choctaw tribal authorities or by United States authorities in Indian Territory? A. Not, in this Territory, until this time.
Q. Well, she has not been admitted, just made application? A. Yes, sir.

The case of Mattie A. Davis, No. 4672, is here referred

to and made a part of the record in this case.

Q. Do you want your case consolidated and considered with your mother's application? A. Yes, sir.
Q. You want it consolidated with the case of your mother, Hattie A. Davis, Julia Stephens and R. H. Davis, all of them being your relatives and claiming from a common ancestor? A. Yes, sir; I want my case considered with theirs.

The case is known as case No. 4689.

Q. Are you married? A. Yes, sir.
Q. Have you any children for whom you want to make application? A. Yes, sir.
Q. How many have you? A. Two---one living.
Q. What is your wife's name? A. Luella Davis.
Q. Is she a white woman or a Choctaw? A. A white woman.
Q. You don't make any claim for her? A. No, sir.
Q. You just claim for yourself and child? That's all.
Q. What is your child's name? A. John W. Davis.
Q. How old is he? A. Two years old.
Q. Is Luella Davis the mother of John W. Davis? A. Yes sir.
Q. Are you and she living together as husband and wife? A. Yes, sir.
Q. And the child is with you at your home? A. Yes, sir.
Q. You were married when? A. April 27, 1899.
Q. Where were you married? A. At Banner, Mississippi.
Q. By a minister under a license? A. Yes, sir.
Q. Have you the proof of your marriage with you? A. No , sir.
Q. Can you supply it if given time? A. I think so.

A reasonable time will be allowed the applicant for that purpose.

Q. Is your name on any of the tribal rolls of the Choctaw nation in Indian Territory, or that of your child? A. No, sir.
Q. Have you ever made application for citizenship before this time either to the Choctaw tribal authorities or the United States authorities in Indian Territory? A. No, sir.
Q. Have you ever made application for citizenship to the Dawes Commission under the act of Congress of June 10, 1896? A. No, sir.
Q. Have you ever made application to any authority whatever for citizenship in the Choctaw Nation? A. No, sir.
Q. Have you ever been admitted with your child to citizenship in the Choctaw Nation either by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A. No, sir.
Q. Do you now come before the Commission to be identified with your child as Mississippi Choctaws under article fourteen of the treaty of 1830? A. Yes, sir.
Q. Do you understand that treaty? A. Yes, sir; I think so.
Q. Do you care to have it explained to you further?
A. I think it is not necessary.

The treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. Did you or any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the article of that treaty? A. I don't know; I have been told that they did.
Q. Is Henry W. McGuire related to you? A. He is a brother to my mother. He is my uncle.
Q. He claims through Richard Smith? What relation was Richard Smith to you? A. He would be my great-grandfather.
Q. Now Asa Langston is what relation to Tabitha Watson? A. Asa Langston married Tabitha Watson, and Tabitha Watson is my great great grandmother.
Q. Then you apply through, or claim your blood from Tabitha Watson and not from Asa Langston? A. Yes, sir: Asa Langston was a white man, and Tabitha Watson had the Choctaw blood.
Q. How much Choctaw blood do you claim to be? A. About one-sixteenth.
Q. Wit the exception that you claim Choctaw blood from Tabitha Watson who was the wife of Asa Langston, your testimony is the same as your uncle, Henry W. McGuire, isn't it? A. Yes, sir. Asa Langston was a white man.
Q. Did Richard Smith or Tabitha Langston either live in Mississippi in 1830 and have a family there? A. I don't know.
Q. You don't know whether either of them had a family in Mississippi in 1830 or not, do you? A. I have heard so.
Q. Then it is a matter of family history? A. Yes, sir.
Q. According to your best knowledge and belief of what you have heard and of the traditions of the family, you understand that that were heads of families in Mississippi at that time? A. Yes, sir.
Q: Did your Choctaw ancestors or any of them own any improvements on lands in Mississippi in 1830? A. I don't know.
Q. Did any of your Choctaw ancestors back there in Mississippi in 1830 ever go to Col. Ward, the United States Indian Agent, and tell him that they wanted to stay, take lands, and become citizens of the States? A. I don't know whether they did or not
Q. Did any of your Choctaw ancestors go from that old nation in Mississippi and Alabama along with other Indians who came to Indian Territory between 1833 and 1838 and 1840? A. I don't knew.

Q. Did any of your Choctaw ancestors own or claim any lands in Mississippi or Alabama in 1830? A. I don't know. I had one uncle and two aunts who told me they did.

The Choctaw Indians who remained in Mississippi in the old Choctaw nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to Col. Ward, the United States Indian Agent, within six months after the treaty was ratified, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A great many Choctaw Indians did this whose names Col. Ward failed to put upon his list, known as Ward's Register. His neglect to make a proper and complete record of all Indians who came before him caused a great many Indians in Mississippi to lose both their lands and improvements, for both were taken from them and sold by the government at its public lands sales. This caused a good many complaints among the Choctaw Indians, so that in 1837, by act of Congress of March 3rd of that year, a commission was appointed and sent to Mississippi to hear claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress of August 23rd of that year, another commission was appointed andsent to Mississippi for the same purpose. Both these commissions heard claimants under article fourteen of the Treaty of 1830, and made lists of such names as came before them.

Q. Do you know whether any of your Choctaw ancestors ever went before either of these commissions and claimed any benefits under article fourteen of the treaty of 1830 ? A/ I don't know.
Q. Did any of your ancestors ever receive any scrip from the government which entitled to take lands in Mississippi, Alabama, Louisiana or Arkansas, in place of lands which had been taken from them by the government and sold? A. I don't know about that.
Q. This scrip was issued under authority of the act of Congress of 1842, and entitled those Choctaws who had had their lands taken from them and sold to select other lands from vacant government lands in Mississippi, Alabama, Louisiana or Arkansas to take the place of those which had been taken? You don't know whether any of your ancestors received any of the scrip or not, do you?
A. No, sir.
Q. Who was Hattie Davis? Her case is No. 4678? A. My mother.
Q. Sophia Powell and Julia Stephens, whose cases are combined and knownas No. 1, are kin to you? A. Yes, sir.
Q. Who is R. H. Davis? A. A brother of mine.
Q. His case is numbered 4689, do you want your case consolidated and considered with his and all others who claim under the same common ancestor? A. Yes, sir.
Q. Do you understand or speak the Choctaw language? A. No, sir.
Q. Do you want to introduce any other testimony in support of your application? A. No, sir. I don't know of any;not now.
Q. Do you want any time allowed you in which to present further evidence in this application? A. Yes, sir.

A reasonable time will be allowed the applicant in which to introduce other evidence in support of this application.

Q. Is there anything more you think of that you wish to state at this time? A. Nothing more, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. He has black eyes, a dark complexion, black hair; does not understand or speak the Choctaw language, and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830?.

E. A. Apple, being first duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on April 29, 1903; and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

E A Apple

Subscribed and sworn to before me this 8th day of May, 1903.

Notary Public.

COPY

M.C.R. 5422

Muskogee, Indian Territory, October 23, 1902.

John F. Davis,

Banner, Mississippi.

Dear Sir:

You are hereby advised that on the 23rd day of October, 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Julia Stephens, et al., embracing the following applications for identification as Mississippi Choctaws:

Julia Stephens, et al.,	M.C.R. 1
Hattie A. Davis, et al.,	M.C.R. 4628
Robert H. Davis, et al.,	M.C.R. 4689
Henry W. McGuire,	M.C.R. 5421
John F. Davis, et al.,	M.C.R. 5422

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Julia Stephens, Bert Stephens, Mertie Stephens, Sophia Powell, Viola M. Harden, Tura Powell, Pearl L. Powell, Vivian I. Powell,

Alvia P. Powell, Forrest Powell, Prentiss P. Harden, Hattie A. Davis, Dasie Alice Davis, Bertha May Davis, Henry Algin Davis, Robert H. Davis, Urma Fay Davis, Henry W. McGuire, John F. Davis and John W. Davis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman.

Registered.

M. C. R. 5422

COPY.

Muskogee, Indian Territory, August 27, 1904.

John F. Davis,

Banner, Mississippi.

Dear Sir:

You are hereby notified that on the 3d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Julia Stephens et al., of which decision you were advised by registered mail on the 23d day of October, 1902, and July 10, 1903.

Respectfully,

(SIGNED)

Chairman.

No. 5422

For Identification as a Mississippi Choctaw.

Date APR 29 1902

Name John T. Davis.

Age 28 Blood 1/16

Post-Office, Banner, Miss.

Father: Virgil L. Davis, I

Mother: Kattie A. Davis. I

Claims through mother.

wife Luella Davis. I w.

No claim for wife.

Children:

John W. Davis, 2

Claims for self & children

Stenographer S. A. Apple

Choctaw MCR 5423

Nancy Wilson

See MCR 3676

MCR 5423

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 29, 1902.

M C - 5423

------: -------

In the matter of the application of Nancy Wilson for identification of herself and her six minor children, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson and Flora J. Wilson, as Mississippi Choctaws.

Applicants not represented by Attorney.

Nancy Wilson, being first duly sworn testified as follows:

Examination by the Commission.

Q. What is your name? A. Nancy Wilson.
Q. How old are you? A. I am thirty-eight.
Q. What is your post-office address? A. Chico, Texas.
Q. How long have you lived in Chico? A. Three years the last time.
Q. Where were you born? A. In Tennessee.
Q. Where did you live in Tennessee? A. At Harris, Tennessee.
Q. When you left Tennessee where did you go? A. Went to Texas.
Q. Q. Have you lived there ever since? A. No, I lived in Indian Territory part of the time.
Q. When did you live in the Territory? A. Three years ago.
Q. How old were you when you left Tennessee? A. I dont remember. About fifteen years old.
Q. Is your father living? A. No, sir.
Q. Is your mother living? A. No, sir.
Q. What was your father's name? A. Jesse L. Etheridge.
Q. What was your mother's name? A. Mary Ann Etheridge.
Q. You claim Choctaw blood through which parent? A. My father.

Q. How much do you claim? A. From what I have been told by our father, we are one-eighth.
Q. Has your father ever been recognized by the Choctaw tribal authorities or the United States authorities as a citizen of the Choctaw Nation in Indian Territory? A. No, sir.
Q. When and where were your father and mother married? A. In Henry county, Tennessee; near Paris.
Q. Do you remember the date of their marriage? A. No, I cannot give it now.
Q. Are you married? A. Yes, sir.
Q. What is your husband's name? A. Jacob H. Wilson.
Q. Is he living? A. Yes, sir.
Q. Is he a Choctaw or a white man? A. He is a white man.
Q. Do you make any claim for him? A. No, sir.
Q. Have you any children under twenty-one years old and unmarried you want to make application for? A. I have six.
Q. Give me the name of the oldest? A. Jacob L. Wilson.
Q. How old is he? A. Nineteen years old.
Q. Give the name of the next one? A. Hellie M. Wilson.
Q. How old is she? A. Fifteen.
Q. The next one? A. Robert G. Wilson.
Q. How old? A. Thirteen.
Q. The next? A. Nannie O. Wilson
Q. What age? A. Eleven years old.
Q. Give the next? A. Bennie F. Wilson.
Q. How old is he? A. Eight years old.
Q. Give the next one's name? A. Flora J. Wilson.
Q. How old is she? A. Four years old.
Q. Is that all? A. That's all.
Q. Is Jacob H. Wilson the father of these children? A. Yes, sir.
Q. Have either of you ever been married before you married to eadh other? A. No, sir.
Q. Are you now living together as husband and wife? A. Yes, sir.
Q. And are these children living with you at home? A. Yes, sir.
Q. Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No, sir. None except Willie who made application yesterday.
Q. Well, he has just made application; his name has not been enrolled yet. Have you ever made application for the enrollment of yourself or any of your children as citizens of the Choctaw nation to the Choctaw tribal authorities, to the United States authorities or to any authorities whatever in Indian Territory? A. No, sir.
Q. Have you ever made application for Choctaw citizenship to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
Q. That was five or six years ago? A. No, sir. I never made application then.
Q. Is this the first time you have applied for citizenship to any authority whatever? A. Yes, sir.
Q. You nor your children have ever been enrolled by the Choctaw tribal authorities or the United States authorities in Indian Territory? A. No, sir.
Q. Do you now come before the Commission for the identification of yourself and children, claiming under article fourteen of the treaty of 1830? A. Yes, sir.
Q. Do you understand that article of that treaty? A. I guess I understand it.
Q. Do you want it explained to you? A. It might be best.

A treaty is a compact or agreement made in writing between two or more nations instead of between individuals. Because the agreement is made between nations and signed by representatives of the nations it is called a treaty. In 1830 the old Choctaw Nation was located in Mississippi and a small part of Alabama, and for the purpose of removing the Choctaw Indians from that old nation east of the Mississippi River to the Choctaw Nation in Indian Territory the treaty of 1830 was drawn up and signed by the representatives of the United States and by the representatives of the Choctaw Nation. The whole nation could not sign the treaty, and so it was signed by certain persons who represented those governments or nations. A great many Choctaw Indians refused to go from that old nation, and under the treaty as first written up they would not be protected, so that article fourteen was put into this treaty for the purpose of protecting those Choctaws who stayed back there. Article fourteen is just a part of the treaty, and that article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. Do you know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of that article?
A. No, sir.
Q. What is the name of your common ancestor through whom you claim the right to be identified as a Mississippi Choctaw?
A. My mother's mother was named Nancy Powell.
Q. Was that her maiden name before she was married? A. Yes, sir.
Q. Whom did she marry? A. Louis Etheridge.
Q. Was he an Indian or a white man? A. He was a white man.
Q. What relation was Nancy Etheridge to you? A. My grand mother.
Q. Did she live in Mississippi and have a family there in 1830?
I don't know whether she did or not.
Q. Did you ever hear that she lived in Alabama or Mississippi and have a family there? A. No, sir. Some of the Powells lived there, but I don't remember which ones it was, though.
Q. How much Choctaw blood did your father have? A. He was a quarter I think.
Q. How much did your grandmother claim? A. She claimed to be a half breed.
Q. Then how much do you claim? A. I m one-eighth.
Q. How old would your father be if he were living now? A. He would be seventy-seven years old.
Q. Where was he living in 1830, if you know? A. I can't tell.

Q. You don't know whether Nancy Etheridge had a family of children in Mississippi in 1830 or not, do you? A. I don't know.
Q. Where was your father born? A. I don't know.
Q. And you don't know how old he would be if living now? A. He would be seventy-seven years old. I don't remember where he was born.
Q. Did any of your Choctaw ancestors own any lands or claim any improvements on lands in Mississippi and Alabama in 1830? A. I don't know.
Q. Did any of them go to the United States Indian Agent, Col. Ward, and tell him they wanted to stay, take lands and become citizens of the States? A. I don't know; some of the Powells stayed there, but I don't know enough about it to tell you anything.
Q. Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory with other Indians between 1835 and 1838 and 1840? A. I don't know.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi were required, if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Col. Ward , within six months after the ratification of that treaty, and tell him that they wanted to stay, take lands and become citizens of the States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as Ward's Register. His neglect to make a proper and complete record of all Indians who came before him caused a great many Indians in Mississippi to lose both their land and improvements for both were taken from them by the government and sold. This caused a good many complaints among the Choctaw Indians in Mississippi, so that in 1837, by act of Congress of March 3rd of that year, a commission was appointed by Congress which went to Mississippi and heard claimants under the fourteenth article of the treaty of 1830. In 1842 congress appointed another commission for the same purpose, and both commissions heard claimanrs under article fourteen of the treaty of 1830 and made lists of such names as came before them.

Q. Did any of your Choctaw ancestors go before either of these commissions and claim benefits under article fourteen? A. I don't know.
Q. Did any of your Choctaw ancestors ever receive any scrip from the United States government which entitled them to receive lands in Mississippi, Alabama, Louisiana or Arkansas in place of those taken from them and sold? A. I can't say.
Q. This scrip was issued under the act of Congress of August 23, 1842, and was in the form of certificates and entitled the Choctaw Indians who had had lands and improvements taken from them by the government to select other lands in these states from vacant government lands in place of those taken from them, you don't know whether any of your ancestors received any of this scrip? A. I cannot say.
Q. What relatives of yours have been before the Commission to be identified as Mississippi Choctaws? A. Wm. C. Merriman applied here in October, 1891.
Q. Do you want your case and all others who claim from the same common ancestor to be consolidated and considered with the case of William C. Merriman, which is here referred to as No. 3678? A. Yes, sir.
Q. Have you any other evidence you want to introduce now? A. No, sir.
Q. Would you like a little time in which to introduce other evi-

dence in support of your application? A. I reckon so.

A reasonable time will be allowed this applicant for the purpose of introducing other evidence in this case.

Q. Do you speak the Choctaw language? A. No, sir.
Q. Is there anything else you can think of you would like to say now in support of your application? A. No, I have said all I can think of now.
Q. You don't look much like a Choctaw Indian? A. No, though my mother always told me I looked like an Indian.

This applicant has the appearance and physical characteristics of being descended from white parents, exdept that she has a very dark complexion and dark hair, having quite a little of the characteristics of an Indian; she has dark blue eyes, and her other features are somewhat the features of an Indian. She does not understand the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceedings on April 29, 1902; and that the foregoing is a true, full and complete transcript of his stenographic notes in same.

S A Apple

Subscribed and sworn to before me this 6th day of May, 1902.

Notary Public.

Miss.Chootaw 5423

Muskogee, Indian Territory, November 12, 1902.

J. H. Wilson,

Boggy Depot, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 7, stating that the Commission has been advised that Nannie Wilson's address is chaged from Chico, Texas to Boggy Depot, Indian Territory, and asking that a statement of her case be forwarded to her at that place.

In reply you are advised that the change of post office of Nancy Wilson has already been made a matter of record. No decision nor opinion has yet been rendered relative to her rights as a Mississippi Chootaw, but the Commission is now considering her case and it is probable that within the near future a decision will be reached at which time she will be notified of the action of the Commission.

Respectfully,

Acting Chairman.

M.C.R. 5423

COPY.

Muskogee, Indian Territory, January 30, 1903.

Nancy Wilson,

Boggy Depot, Indian Territory

Dear Madam:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Cora Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5380
Charlie P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Nettie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5365
Luther R. Etheridge,	M.C.R. 5370
Flora Ward, et al.,	M.C.R. 5424
Charles E. Ward,	M.C.R. 5428
Bennie E. Ward,	M.C.R. 5371
Hattie E. Ward	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Nancy Wilson, et al.,	M.C.R. 5423
William J. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Nannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson and Walter L. Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.

Registered.

Acting Chairman.

M C R 5423

Muskogee, Indian Territory, February 12, 1903.

Nancy Wilson,

Boggy Depot, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 6th instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You ask to be advised what additional proof is necessary in your case.

In reply you are informed that the fifteen days from January 30, 1903, heretofore granted you within which to file arguments in support of your claim to be transmitted to the Secretary of the Interior, will expire on February 14, 1903. On February 16, 1903, the record in your case, together with such arguments as may be submitted, will be forwarded to the Secretary of the Interior.

You are further advised that the Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in eighteen hundred and thirty, and that such ancestors complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of eighteen hundred and thirty.

No evidence of such compliance on the part of the ancestor through whom you claim your right to identification as a Mississippi Choctaw has been submitted in support of your claim.

Respectfully,

Acting Chairman.

M C R 5423

Muskogee, Indian Territory, March 7, 1903.

Nancy Wilson,

Boggy Depot, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 5th to the Secretary of the Interior, which has been by him referred to this Commission for consideration and appropriate action. Therein you state that yourself and children have made application to be identified as Mississippi Choctaws; that you have recently moved to Boggy Depot and have located on a tract of land and ask to be advised relative to your right to hold the same. You also make certain statements regarding your Choctaw ancestors.

In reply to your letter you are informed that it appears from the records of the Commission that you made application for the identification of yourself and six minor children as Mississippi Choctaws. The Commission, on January 30, 1903, rendered its decision refusing your application and on the same date you were notified by registered mail of the action of the Commission and that you were granted fifteen days from the date of said decision within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior.

The fifteen days heretofore granted, expired on February

N W 2

15, 1903. On February 16, 1903, the record in your case, together with the decision of the Commission, was transmitted to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

It is not believed that yourself and children are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5423.

Muskogee, Indian Territory, December 11, 1903.

Nancy Wilson,

Boggy Depot, Indian Territory.

Dear Madam:

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS
Penalty for private use, $300.

MUSKOGEE DEC 12 5 — P.M. 1902

U. C. A.
General Office

Advising that the Secretary of the Interior has affirmed Commission's decision, refusing application for identification as Mississippi Choctaw

Nancy Wilson,
Boggy Depot,
Indian Territory.

A Letter Called for
Returned to Writer

File.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 23 1903

Chairman





No. 5423

For Identification as a Mississippi Choctaw.

Date APR 29 1902

Name Nancy Wilson,

Age 38 — Blood 1/8

Post-Office, Chico, Tex.

Father: Jesse L. Etheridge, d

Mother: Maryann " , d

Claims through father ——
husband.
Jacob H. Wilson, l. w.

No claim for husband

Children:

Jacob L. Wilson,	19
Nellie M. "	15
Robert G "	13
Nannie O "	11
Bennie F. "	8
Flora J. "	4

Claims for self & children

Stenographer A. A. Upper.

Choctaw MCR 5424

Flora Ward

See MCR 3676

MCR 5424

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 29, 1902.

M C - 5424

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In the matter of the application of Flora Ward for the identification of herself and her two minor children, Ernest Ward and Everett Ward, as Mississippi Choctaws.

Applicants not represented by Attorneys.

Flora Ward, being first duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Flora Ward.
Q. How old are you? A. I am forty-eight years of age.
Q. What is your post-office address? A. Chico, Texas.
Q. How long have you lived in Chico? A. Nine years, I believe.
Q. Where were you born? A. In Tennessee; at Paris.
Q. And you moved from there to Texas? A. yes, sir.
Q. How long did you live in Tennessee? A. All my life except the nine years I have lived in Texas.
Q. Is your father living? A. No, sir.
Q. Is your mother living? A. No, sir.
Q. What was your father's name? A. Jesse L. Etheridge.
Q. What was your mother's name? A. Mary Ann Etheridge.
Q. Do you claim through your father? A. Yes, sir.
Q. How much Choctaw blood do you claim? A. One-eighth.
Q. Has your father ever been recognized in any way or enrolled as a citizen of the Choctaw Nation? A. No, sir. Not that I know of.
Q. Where and when were your father and mother married? A. In Henry County, Tennessee.

Q. Have you the proof of their marriage with you? A. No, sir.
Q. Can you supply it if given time? A. Yes, sir.

A reasonable time will be allowed for that purpose.

Q. Is your husband living? A. Yes, sir.
Q. Is he an Indian or a white man? A. He is a white man.
Q. What is his name? A. J. W. Ward.
Q. Do you make any claim for your husband? A. No, sir.
Q. How many children have you under age of twenty-one? A. Two.
Q. Give me the name of the oldest? A. Ernest Ward.
Q. How old is he? A. Seventeen.
Q. What is the name of the next? A. Everett.
Q. How old is he? A. Five years of age.
Q. Is your husband, J. B. Ward, the father of these two children? A. Yes, sir.
Q. Are you and your husband living together and your children with you? A. Yes, sir.
Q. Were either you or your husband ever married before you married to each other? A. No, sir.
Q. Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No, sir.
Q. Have you ever made application for the enrollment of yourself and children to the Choctaw tribal authorities or to the United States authorities in Indian Territory? A. No, sir.
Q. Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A. No, sir.
Q. Have you ever before this time made application for the enrollment of yourself and children to any authority whatever? A. No, sir.
Q. Have you ever been admitted to citizenship in the Choctaw Nation you and your children, by either the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A. No, sir.
Q. Do you now come before the Commission to be identified and for the identification of your two minor children as Mississippi Choctaws, claiming underarticle fourteen of the treaty of 1830? A. Yes, sir.
Q. Do you understand that article of that treaty? A. Yes, sir; I have heard it read a number of times.
Q. Do you care to have it explained further? A. No, I reckon not.

It readsas follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that ca se a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a

Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A. Nancy Powell.
Q. Whom did she marry? A. Louis Etheridge.
Q. Was he a white man? A. Yes, sir.
Q. How much Choctaw blood did she have? A. One-half.
Q. What relation was she to you? A. My grandmother.
Q. Do you know whether she claimed her Choctaw blood through her father or her mother? A. It was through her mother.
Q. Did Nancy Etheridge live in Mississippi in the old Choctaw Nation in 1830? A. I don't know.
Q. Can you give the name s of any of your Choctaw ancestors who lived in Mississippi in 1830 and were the heads of families there? A. No, I cannot say whether Nancy Etheridge was the head of a family there or not.
Q. You claim through your father? A. Yes, sir.
Q. Where was he born? A. I do n't know.
Q. Where did he die? A. In Tennessee. He lived most of his life in Tennessee.
Q. Did he or any of your Choctaw ancestors own any improvements on any lands in Mississippi or Alabama in 1830? A. I don't know.
Q. Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to Col. Ward, the United States Indian Agent, and tell him they wanted to stay and take lands and become citizens of the States? A. I don't know.
Q. Did any of your Choctaw ancestors go from the old Choctaw nation east of the Mississippi River with other Indians between 1833 and 1838 and 1840 to the Choctaw nation in Indian Territory? A. I don't know.
Q. Did any of your Choctaw ancestors own any lands or claim any lands in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A. I dont know.

The Choctaw Indians who stayed in the old Choctaw nation, refusing to go to Indian Territory under the treaty of 1830 were required, if they wanted to take advantage of the provisions of article fourteen, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty, and tell him that they wanted to stay, take lands and become citizens of the States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as "Ward's Register." His neglect to make a proper and correct record of all Indians who came before him caused a good many Indians in Mississippi to lose both their land and improvements, for both were taken from them by the government and sold. This caused a great many complaints among the Choctaw Indians, so that in 1837, by an act of Congress of March 3rd of that year, congress appointed a commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another commission was appointed, by an act of Congress of August 23rd of that year, for the same purpose. Both commissions heard claimants under article fourteen of the treaty of 1830, and made lists if such names as came before them.

Q. Did any of your ancestors go before either the commission sent in 1837 or in 1842 and claim benefits as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A. Not that I know of.

Q. Did any of your Choctaw ancestors receive any scrip which entitled them to take lands from the vacant government lands in Mississippi, Alabama, Louisiana or Arkansas in place of those taken from them by the government and sold? A. Not that I know of.

Q. Who is William C. Merriman? A. My nephew.

Q. He has been before the Commission and made application, has he not? A. Yes, sir.

Q. Do you want your case for the identification of yourself and children consolidated and considered with his and others who claim under the same common ancestor? A. Yes, sir.

Q. Do you speak the Choctaw language? A. No, sir.

Q. Is there any other evidence you want to introduce in support of your claim? A. None that I know of.

A reasonable time will be allowed this applicant in which to present further evidence in this case, if she so desires.

Q. A great many applicants have appeared in this case, and it may be necessary for the Commission to write up the judgment soon, and therefore all who claim through the common ancestor, Nancy Etheridge, would have to introduce their testimony as soon as possible. A. I will get my evidence in soon, if I offer any more.

Q. Is there anything more you want to say at this time in support of your claim? A. No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; her skin is dark, dark hair, and her eyes are dark. She has no knowledge of the Choctaw language, and does not know of any compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on April 29, 1902; and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

S A Apple

Subscribed and sworn to before me this 6th day of May, 1902.

Notary Public.

Miss.Chee.5424

Muskogee, Indian Territory, July 18, 1902.

J. B. Ward,

Chico, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter dated June 10, 1902 and received by the Commission on the 14th instant, wherein you ask for information relative to the claim of your wife and children. You state that W. C. Merriman is your wife's nephew and that he is an applicant for identification as a Mississippi Choctaw; that your wife put in her claim subject to the decision in his case and that you have been told that each applicant would have to make their own proof; that you cannot use his evidence "even if we are claiming under the same ancestors". You further ask if your wife has a right to citizenship while her case is still pending and "can she take a home in either the Chickasaw or Choctaw Nation and hold more than three hundred and twenty acres of land and how she should legally proceed to get in possession of it".

It appears from our records that your wife, Flora Ward, is an applicant for the identification of herself and her minor children, Ernest and Everett Ward, as Mississippi Choctaws; that her case has been consolidated and will be considered together with the applications of W. C. Merriman and certain other persons, applicants

to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor, Nancy Powell, who married Louis Etheridge. The proof submitted in support of this consolidated case will apply to the applications of the several persons included therein.

No decision has yet been reached nor opinion rendered relative to the applications of the several persons included in this consolidated case for identification as Mississippi Choctaws. As soon as a decision is rendered the several persons therein will be notified of the action of the Commission.

Relative to that part of your letter wherein you ask can your wife take a home in either the Chickasaw or Choctaw Nations and hold more than 320 acres of land and how she should legally proceed to get in possession of it, your attention is invited to the following provision of the act of Congress of May 31, 1900:

> "Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

It is not believed that the benefits of this legislation would accrue to applicants until after they have been identified by this Commission as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty between the United

States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.

Yours truly,

Commissioner in charge.

M.C.R. 5424

COPY.

Muskogee, Indian Territory, January 30, 1903.

Flora Ward,

Chico, Texas.

Dear Madam:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Cora Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5350
Charlie P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Nettie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5365
Luther R. Etheridge,	M.C.R. 5370
Flora Ward, et al.,	M.C.R. 5424
Charles E. Ward,	M.C.R. 5428
Bennie E. Ward,	M.C.R. 5371
Hattie E. Ward,	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Nancy Wilson, et al.,	M.C.R. 5423
William J. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts

necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E Merriman, Ethel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Nannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson, and Walter L. Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby

Acting Chairman.

Registered.

COPY.

M.C.R. 5424.

Muskogee, Indian Territory, December 11, 1903.

Flora Ward,

Chico, Texas.

Dear Madam:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

(SIGNED).

Tams Bixby.

Chairman.

No. 5104

For Identification as a Mississippi Choctaw.

Date APR 29 1902

Name Flora Ward.

Age 48 — Blood 1/8

Post-Office, Chics. Ter. — "

Father: June L. Etheridge, d

Mother: Mary Ann " d

Claims through father

Husband J. B. Ward. d. w.

No claim for husband.

Children:

Ernest Ward. 17

Everett " 6

Claims for self & children.

Stenographer S. A. Apple

Choctaw MCR 5425

Edward W. Blakey

See MCR 4006

MCR 5425

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 29, 1902.

M C - 5426

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In the matter of the application of Edward W. Blakey for the identification of himself and his two minor children, Edna Blakey and John Blakey, as Mississippi Choctaws.

Applicant not represented by Attorney.

Edward W. Blakey, being first duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Edward W. Blakey.
Q. How old are you? A. I will be forty-six years old on the 25th of July next. I am forty-five now.
Q. What is your post-office address? A. Valentine, Nebraska.
Q. How long have you lived there? A. About five years.
Q. Where were you living before that? Hot Springs, South Dakota.
Q. How long did you live there? A. Not long.
Q. Where were you born? A. Bastrop county, Texas. I left Texas when I was about sixteen years old.
Q. Where did you then go? A. I have lived in Nebraska, Wyoming and Dakota since then.
Q. Is your father living? A. No, sir.
Q. Is your mother living. A. Yes, sir.
Q. What was your father's name. A. Everett Blakey.
Q. What is your mother's name? A. Elizabeth Wood.
Q. Has she married again since your father died? A. Yes, sir.
Q. Through which parent do you claim? A. My mother.
Q. How much Choctaw blood do you claim? A. One-thirty-second.
Q. Has your mother ever been enrolled or in any way recognized by the tribal authorities or the United States authorities in Indian Territory? A. No, sir.

Q. Have you any children for whom you want to make application? A. I have two.
Q. Are you married? A. I have been -- my wife is dead.
Q. Your deceased wife the mother of these two children? A. Yes, sir.
Q. What was her name? A. Katie Blakey.
Q. How long has she been dead? A. Six years.
Q. Have you married again? A. No, sir.
Q. Was she a Choctaw Indian, or a white woman? A. She was a white woman.
Q. Give me the name of the oldest child? A. Edna Blakey.
Q. What is t he other's name? A. John Blakey.
Q. How old is Edna? A. Twelve years old.
Q . How old is John ? A. Eight.
Q. Was Katie Blakey the mother of these children? A. Yes, sir.
Q. Are the children now living with you at your home? A. No, sir; they are with my sister at Temple, Texas.
Q. You support them and are their guardian? A. Yes, sir.
Q. When and where were you married to your wife, Katie? At Aldridge, South Dakota, in 1888.
Q. Were you married by a minister undef a license? A. Yes, sir.
Q. Have you the proof of your marriage with you? A. No, sir, but I can send the license later.
Q. You can get it and s end it in later? A. Yes, it is at my sister's in Temple, Texas.

A reasonable time will be allowed in which to introduce this evidence.

Q. Is your name or the names of your two children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No, sir.Not that I know of.
Q. Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the United States authorities in Indian T rritory? A. No, sir.
Q. Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Dawes Commission, or have you ever made application to be admitted under the act of Congress of June 10, 1896? A. No, sir.
Q. Is this the first application that you have ever made to any authority whatever for admission to citizenship in the Choctaw Nation? A. Yes, sir.
Q. You never werre admitted to citizenship in the Choctaw Nation either by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A. No, sir.
Q. Do you now come before the Commissi on to be identified as a Mississippi Choctaw, claiming under article f ourteen of the treaty of 1830? A Yes, sir.
Q. Do you understand that article of t hat treaty? A. I have heard it read and have read it; I think I understand it.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to ~~xxxxxxx~~ a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey;

in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of that treaty? A. Not of my own personal knowledge. I have heard that they did.
Q. What have you heard? A. I have heard that they did.
Q. In what way did they comply with the provisions of the treaty? A. They went before the Commissioner and asked for lands.
Q. When was that? A. I cannot tell you.
Q. What is the name of your Choctaw ancestor through whom you claim the right to be identified? A. Elizabeth Brashears.
Q. Whom did she marry? A. E. W. Dumas.
Q. Was E. W. Dumas a white man? A I Think so.
Q. How much Choctaw blood did his wife have? A. One-quarter, I believe.
Q. Did she live in Mississippi in 1830? A. Yes, sir.
Q. Was she the head of a family in Mississippi in 1830? A. Yes, I think so.
Q. How old would she be if living now? A. I cannot tell you.
Q. You claim through your mother and her name is Elizabeth--she was Elizabeth Wood? A. Yes, sir.
Q. Through did she claim? A. Her mother.
Q. What was her mother's name? A. Jane Dumas.
Q. What was her father's name? A. E. W. Dumas.
Q . What relation was Elizabeth Dumas to you? A. My grandmother.
Q. Do you know in what part of Mississippi she lived? A. I don't know.
Q. Where was your mother born? A. In Alabama, I think.
Q. What part? A. I can't tell you.
Q. And she went from there to Texas? A. Yes, sir.
Q. How old was she when she went to Texas? A. I don't know what age she was.
Q. Did any of your Choctaw ancestors own any lands in Mississippi in 1830? A. I don't know.
Q. Did any of your Choctaw ancestors go to Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 11830, and tell him that they wanted to stay, take lands and become citizens of the States? A. I don't know.
Q. Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Shawnee Indian Territory, and accept lands there, with other Indians who went from the old Choctaw Nation between 1833 and 1838 and 1840? A. I don't know.
Q. Q Did any of your Choctaw ancestors own or claim any lands in Mississippi or Alabama in 183e, under article fourteen of the treaty of 1830? A. I don't know.

Q. Did any of your Choctaw ancestors comply in any way with the provisions of article fourteen of the treaty of 1830? A. I don't know.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of that article, fourteen, to go to the United States Indian Agent, Colonel Ward, within six months after the treaty was ratified, and tell him that they wanted to stay, take lands and become citizens of the States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as "Ward's Register". His neglect to do this caused many of the Choctaws to lose their lands and improvements, for both were taken from by the government and sold; and this caused so many complaints that congress in 1837, by an act of March 3rd of that year, appointed a commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 congress appointed another commission for the same purpose. Both commissions heard claimants under article fourteen, and made a record of the names who came before them.

Q. Did you have any ancestors who went before either of those commissions and made application for benefits under article fourteen of the treaty of 1830? A. I have heard that they did, but I don't know much about it.
Q. Who have you heard went before the commission then? A. I have heard that W. E. Dumas did.
Q. Did he go before the commission in his own behalf? A. No, in behalf of his wife.
Q. Which commission did he go before? A. I don't know.
Q. I was speaking of the commissions of 1837 and of 1842--do you mean that he went before one of them? A. yes, sir. I mean that he went before both of them, so I have heard.
Q. Do you know the result of his going before them? A. I heard that he did not get anything.

The act of Congress of August 23, 1842, provided that if any Choctaw Indian had attempted to comply with the provisions of artidle fourteen and had had lands taken from him and sold on account of the failure of Colonel Ward to make a record of his name, that he should be entitled to a certificate by which he would receive other lands in their place to be selected from lands in Mississippi, Alabama, Louisiana or Arkansas. These certificates were called scrip.

Q. Did you ever hear that any of your ancestors received any of this scrip? A. I have heard that they didn't receive any benefits.
Q. Who is Scott S. Dumas? A. My cousin.
Q. Has he made application before the Commission for identifbation as a Mississippi Choctaw? A. Yes, sir.
Q. Do you want your case consolidated and considered with his and any other applicants who may appear before the Commission, claiming under article fourteen of the treaty of 1830? A. Yes, sir.

Q. I mean all who claim under the same common ancestor? A. Yes, I want my case considered with theirs.

The case of Scott S. Dumas, No. 4006, is here referred to for the purpose of consolidation.

Q. Is there anything further you want to say in reference to this application? A. I think not.
Q. Would you like any time, Mr. Blakey, in which to introduce other evidence in support of this application? A. Yes, I would like a limited amount of time.

A reasonable t ime will be allowed for that purpose.

Q. Do you speak or understand the Choctaw language? A. I do not.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has grey eyes, red complexion, or ruddy complexion---grey hair, which was formerly brown. He does not understand the Choctaw language, and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on April 29, 1902; and that the above and foregoing is a true, full and correct transcript of his stenographic notes in same.

S. A. Apple

Subscribed and sworn to before me this 6th day of May, 1902.

Notary Public.

Miss.Choctaw 5425

Muskogee, Indian Territory, October 23, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 21, inclosing certified copy of marriage certificate of Edward W. Blakey and Kate Trier, which is offered in support of the application for identification as Mississippi Choctaws of Edward W. Blakey, et al. The same has been filed with the record in this case.

Respectfully,

Acting Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5428.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Edward V. Blakey,

Valentine, Nebraska.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al ,	M. C. R. 4740
Andy Brasher. et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H Roth,	M. C. R. 5845
Mary E. Carothers, et al ,	M. C. R. 5700
Carrie McConico, et al ,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
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Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
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Charles H. Black,	M. C. R. 4200
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Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al ,	M C R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
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Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al ,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C R. 4284
Minnie P. Dumas,	M. C R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
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Roxanna Freeman, et al ,	M. C. R 4850
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Dixie Dumas Connolly, et al.,	M. C. R. 4632
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Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
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Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
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Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M C. R. 5805
William E. Aston, et al.,	M. C R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al ,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
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James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malty Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcella Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madaline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Chairman.

Registered.

REFER IN REPLY TO THE FOLLOWING

MQR-5425

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 22, 1906.

Edward W. Blakey,

Valentine, Nebraska.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for the identification of yourself and minor children, Edna and John Blakey, as Mississippi Choctaws, is a part.

Respectfully,

Commissioner.

Received of the Commission to the Five Civilized Tribes one copy of the testimony of Edward W. Blakey, in the matter of his application for the identification of himself and his minor children, as Mississippi Choctaws, M.C. 5425.

Dated at Muskogee, Indian Territory,
June 30, 1902.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Choctaw-Chickasaw Dist.

Muskogee

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 12 1906

MUSKOGEE
JAN
IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Edward W. Blakey,

Valentine, Nebraska.



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

AUG 10

1715-8

~~Edward W. Flake~~,

~~Valentine~~, Nebraska.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 11 1903

CHAIRMAN.

No. 5425

For Identification as a Mississippi Choctaw.

Date APR 29 1902

Name Edward W. Blakey

Age 45 Blood 1/2

Post-Office, Valentine, Nebraska,

Father: Everett Blakey d.

Mother: Elizabeth Woodall

Claims through mother

wife Katie Blakey, d, w,

Children:

Edna Blakey, 12

John " 8

Claims for self & children

Choctaw MCR 5426

Mary Arnold

See MCR 3676

MCR 5426

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 29, 1902.

#5426. --------oOo--------

In the matter of the application of Mary Arnold for the identification of herself and her five minor children, Jesse, Isabell, Nannie, Ettie and Lizzie Arnold, as Mississippi Choctaws.

Applicants not represented by attorney.

Mary Arnold, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Mary Arnold.
Q What is your age? A Forty-four.
Q What is your post office address? A Chico, Texas.
Q How long have you lived there? A Eleven years.
Q Where did you live before that? A Tennessee; Paris, Tennessee
Q Born there? A Yes sir.
Q And lived in Tennessee until you went to Texas? A Yes sir.
Q Is your father living? A No sir.
Q Mother living? A No sir.
Q What is your father's name? A Jesse L. Etheridge.
Q What was your mother's name? A Mary Ann Etheridge.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A One-eighth.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A No sir.
Q Have you the proof of his marriage and his wife? A No sir; I have it at home; I haven't it with me.
Q You can introduce it later? A Yes sir.

Reasonable time will be allowed for that purpose.

Q Are you married? A Yes sir.
Q Your husband is living? A Yes sir.
Q And is a white man? A Yes sir.
Q What is his name? A J. C. Arnold.
Q You do not make a claim for him do you? A No sir.
Q Give me your children now, commencing with the eldest, and their ages? A Jesse is twenty.
Q Boy? A Yes sir.
Q The next? A Isabell, eighteen.

Q The next? A Nannie she's sixteen.
Q The next? A Nttie, fourteen.
Q Boy? A Girl.
Q The next? A Lizzie, five.
Q Is that a boy? A Yes sir.
Q Is J. G. Arnold the father of these children? A Yes sir.
Q Are you and he living together as husband and wife? A Yes sir
Q And these children are living with you both at your home?
A Yes sir.
Q When were you married to him? A In '81.
Q By a minister and under a license? A Yes sir.
Q Were either you or your husband married before you married each other? A No sir.
Q Is your name or the namesof any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children before this time to any authority whatever? A No sir.
Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw, and these children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830?
A Yes sir.
Q Have any of you been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you understand article fourteen of the treaty of 1830?
A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September of that year, and was made for the purpose of removing, as far as practicable, all the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty could be signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty of 1830. The treaty was then signed and afterwards ratified. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of

one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that article of that treaty?
A No sir, not that I know of.
Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Nancy Powell.
Q Married to whom? A Lewis Etheridge.
Q He was a white man wasn't he? A Yes sir.
Q And she had how much Choctaw blood? A Half.
Q What relation was she to you? A My great-grandmother.
Q How old would she be if living now? A I don't know how old.
Q Did she live in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know sir.
Q Do you know whether she lived there in 1830 and had a family of children living at that time, or was the head of a family then?
A No sir, I don't know.
Q You never heard? A No sir.
Q You claim through your father? A Yes sir.
Q How old would he be if living now? A Seventy-seven.
Q Where was he born? A I don't know sir where he was born.
Q Where did he live most of his life? A In Tennessee.
Q And died there? A Yes sir.
Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830?
A No sir, not that I know of.
Q Did any of them, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A Not that I know of.
Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A No sir, not that I know of.

The Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted

to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, who had an Agency in Mississippi there at that time, and tell him that they wanted to stay in the old Choctaw Nation, and in that part of it which was in Mississippi, to take land there and become citizens of the states. A good many Indians did this, but for some reason Colonel Wm. Ward, the Agent, failed to put their names down upon his register list so that their names did not become registered. They afterwards took land in Mississippi and the government took it from them and sold it. This caused a great many complaints among the Indians so that in 1837, as well as in 1842, Commissions were appointed by several acts of Congress, which Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and made lists of the names of all those claimants.

Q Do you know if any of your Choctaw ancestors went before either of these two Commissions, the one of 1837 or the one of 1842, and claimed rights as Choctaw Indians? A I don't know.
Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they had occupied in Mississippi and which the government had taken from the and sold? A No sir, I don't know.
Q Who is William C. Merriman? A He's my nephew.
Q Do you want his case consolidated with yours and all those cases where they claim through the same common ancestor, Nancy Powell?
A Yes sir.

Case of William C. Merriman, M.C.R. 3676, is here referred to for the purpose of the consolidation of these cases.

Q Is there anything further you can think of in support of your application? A No sir.
Q Do you want further time to introduce testimony? A Yes sir.

Reasonable time will be allowed this applicant in which to introduce further testimony if she desires.

Q Nothing more you want to say? A No sir.

This applicant has the appearance and physical characteristics of being descended from a mixed ancestry of white and Indian blood. She claims Choctaw. The dark color of her skin and black straight hair and peculiar color of her eyes would, in the opinion of the Commission, indicate a certain strain of Indian blood, which she says is one-eighth Choctaw.

Q You do not speak or understand the Choctaw language do you?
A No sir.

She doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of her associates with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 29th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 2nd day of May, 1902.

Notary Public.

Miss.Choctaw 5425

Muskogee, Indian Territory, November 20, 1903.

Mary Arnold,

Waupanucka, Indian Territory,

Care J. G. Arnold,

Dear Madam:

Receipt is hereby acknowledged of your letter of recent date giving your present post office address, and stating that at the time you appeared before the Commission as an applicant for identification as a Mississippi Choctaw you failed to state that your ancestor owned land in Mississippi and that it was taken away from them, and you ask if you should forward evidence of this fact to the Commission.

In reply to your letter you are advised that if you desire to forward such evidence of your ancestors having owned land in Mississippi you will be permitted to do so within fifteen days from this date, and if, at the expiration of that time no evidence has been offered for filing, the Commission will take up the case and pass upon it on the record already made, and you will be notified of the action of the Commission. Your change of address has been made a matter of record.

Respectfully,

Acting Chairman.

COPY. M.C.R. 5426

Muskogee, Indian Territory, January 30, 1903.

Mary Arnold,

Chico, Texas.

Dear Madam:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Cora Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5360
Charlie P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Nettie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5365
Luther R. Etheridge,	M.C.R. 5370
Flora Ward, et al.,	M.C.R. 5424
Charles E. Ward,	M.C.R. 5428
Bennie E. Ward,	M.C.R. 5371
Hattie E. Ward,	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Nancy Wilson, et al.,	M.C.R. [illegible]
William J. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary

thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Mattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Nannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson and Walter L. Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 3286.

Muskogee, Indian Territory, December 11, 1903.

Mary Arnold,

Chico, Texas.

Dear Madam:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

(SIGNED).

Chairman.

No. 5426

For Identification as a Mississippi Choctaw.

Date APR 29 1902

Name Mary Arnold.

Age 44 — Blood 18

Post-Office, Chico. Tex —

Father: Jesse L. Etheridge d

Mother: Mary ann " d

Claims through ~~husband~~ father ——

L. G. Arnold — l. w.

No claim for husband

Children:

Jesse Arnold (M) 20.

Isabell " 18

Nannie " 16

~~Ed~~ Ettie " 14

Lizzie " 5.

Claims for reg & Choctaw

Stenographer a ss. McMillan

Choctaw MCR 5427

Hattie E. Ward

See MCR 3676

MCR 5427

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 29, 1902.

#6427. ---------oOo---------

In the matter of the application of Hattie M. Ward for the identification of herself as a Mississippi Choctaw.

Applicant not represented by attorney.

Hattie M. Ward, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Hattie M. Ward.
Q What is your age? A Twenty-one.
Q What is your post office address? A Chico, Texas.
Q How long have you lived at Chico? A About nine years I think.
Q Where did you live before that? A Tennessee.
Q Were you born in Tennessee? A Yes sir.
Q And lived there until you went to Texas? A Yes sir.
Q What is your father's name? A J. B. Ward.
Q He's living, is he? A Yes sir.
Q And your mother's name is what? A Flora A. Ward.
Q Living? A Yes sir.
Q She is an applicant isn't she? A Yes sir.
Q You claim through your mother do you? A Yes sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A No sir.
Q You are not married? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.
Q You never heard that it was put on have you? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application to the Commission or to the Choctaw tribal authorities ever made by you for enrollment?
A Yes sir.

Q You never have been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand it? A Yes sir, I understand it.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q You understand that article now do you not? A Yes sir.
Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty?
A I don't know.
Q What is the name of your ancestor that you are claiming under now? A Nancy Powell.
Q She married who? A Lewis Etheridge.
Q White man? A Yes sir---I don't know whether he was a white man or not---I guess he was.
Q She was how much Choctaw? A I don't know.
Q Now don't you know how much of a Choctaw Nancy Powell was?
A She was half.
Q Your mother told you that didn't she? A Yes sir.
Q Did she live in Mississippi in 1830? A I don't know.
Q Don't know whether she lived there or in Alabama or where?
A No sir.
Q Did she ever live in Mississippi? A I don't know.
Q Don't know whether she was the head of a family in Mississippi or Alabama in 1830 or any time? A No sir.
Q She was what relation to you? A She was my great-great-grandmother.
Q Your mother's name is Flora A. Ward or Flora Ward as she has given in her application? A Yes sir.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
Q Did any of them, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838?
A I don't know.
Q Did any of them own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know sir.

The Indians who stayed back there in the old Choctaw Nation east of the Mississippi river, after the ratification of the treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, who had an Agency in Mississippi at that time, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to place upon his list known as Ward's Register, and the result of his failure to do this caused a good many Indians in Mississippi to lose both land and their improvements. Both were taken from the by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians, especially among those who lost their lands, that Congress, in 1837, appointed a Commission under an act approved March 3rd of that year, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, another Commission was appointed by Congress for the same purpose, and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed any benefits as Choctaw Indians under article fourteen? A I do not.

The act of Congress approved August 23, 1842, provided: That if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, and if he afterwards proved that he had had land in the old Choctaw Nation which the government had taken from him and sold, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.

Q What relation is William C. Merriman to you? A Cousin.
Q He has made application for identification as a Mississippi Choctaw? A Yes sir.
Q Do you want to have his case and the cases of all other relatives of yours who have appeared before the Commission to be identified as Mississippi Choctaws and all who claim through Nancy Powell as the common ancestor, consolidated with yours?
A Yes sir.

The case of William C. Merriman, M.C.R. 3676, is here referred to as the principal case under which all these others are to be consolidated.

Q Is there anything more you want to say in support of your claim?
A No sir.
Q Have you any evidence that you would like to introduce now in support of your application? A No sir.
Q Would you like time to introduce other evidence? A Yes sir, I guess so.

Reasonable time will be allowed this applicant in which to introduce other testimony in support of this application.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of one who inherits white and another strain of blood which the Commission thinks is Indian, and which the applicant claims is Choctaw. She claims one-sixteenth Choctaw blood and whether that quantity is the exact quantity or not, her black eyes and dark complexion and long black hair would indicate a strain of Indian blood. The white predominates, but she doesn't understand the Choctaw language and doesn't know of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 29th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 2nd day of May, 1902.

Notary Public.

M.C.R. 5427

COPY.

Muskogee, Indian Territory, January 30, 1903.

Hattie E. Ward,

Chico, Texas.

Dear Madam:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Cora Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5350
Charlie P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Nettie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5365
Luther R. Etheridge,	M.C.R. 5370
Flora Ward, et al.,	M.C.R. 5424
Charles E. Ward,	M.C.R. 5428
Bennie E. Ward,	M.C.R. 5371
Hattie E. Ward,	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Nancy Wilson, et al.,	M.C.R. 5423
William J. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may ad-

minister oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad Lema Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Ethoridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Nannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson and Walter L. Wilson, as Choctaw Indians entitledto rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby

Acting Chairman.

Registered.

COPY.

M.C.R. 5427.

Muskogee, Indian Territory, December 11, 1903.

Hattie E. Ward,

Chico, Texas.

Dear Madam:-

You are hereby advised that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

(SIGNED).

Tams Bixby.

Chairman.

For Identification as a Mississippi C...

Date APR 29 1902

Name Hattie E. Ward.

Age 21 Blood 1/16

Post-Office, Chico Tex.

Father: J. B. Ward. l

Mother: Flora A. Ward. l

Claims through mother.

Children:

b. claim forfeited alone

Stenographer A. S. McMillan

Choctaw MCR 5428

Charles E. Ward

See MCR 3676

MCR 5428

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 29, 1902.

#6428. ---------oOo---------

In the matter of the application of Charles E. Ward for the identification of himself as a Mississippi Choctaw.

Applicant not represented by attorney.

Charles E. Ward, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Charles E. Ward.
Q What is your age? A Twenty-three.
Q What is your post office address? A Chico, Texas.
Q How long have you lived at Chico? A About nine years.
Q Where did you live before that? A Tennessee.
Q Born in Tennessee? A Yes sir.
Q Where in Tennessee did you live? A Near Union City.
Q Lived there until you came to Texas? A Yes sir.
Q Is your father living? A Yes sir.
Q And your mother? A Yes sir.
Q What is your father's name? A J. B. Ward.
Q Has he ever made application? A No sir.
Q He's a white man, isn't he? A Yes sir.
Q What is your mother's name? A Flora A. Ward.
Q She's made application to-day as Flora Ward hasn't she?
A Yes sir.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian territory? A No sir.
Q You are not married? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to any authority whatever before this time? A No sir.
Q Either to the Choctaw tribal authorities or to the United States authorities? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming rights under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Yes sir, I think I do.
Q Do you care to have it explained further? A No sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q You understand that do you? A Yes sir.
Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Nancy Powell.
Q Do you know if any of your ancestors complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A No sir.
Q Nancy Powell married who? A Lewis Etheridge.
Q Was he a white man? A Yes sir.
Q How much Choctaw blood did she have? A Onehalf I think.
Q Did she live in Mississippi or Alabama in 1830? A I don't know.
Q You don't know whether she was the head of a family in Mississippi or Alabama in the old Choctaw Nation in the year 1830?
A No sir, I don't know.
Q Or 1831? A No sir.

Q How old would Nancy Powell or Etheridge be if living now?
A I couldn't tell you.
Q What relation to you was she? A My great-great-grandmother.
Q Did she have a Choctaw Indian name? A I don't know.
Q Did she speak the Choctaw language? A I couldn't tell you.
Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states?
A I don't know.
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40?
A I don't know.
Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register, and his neglect to do this caused a good many Indians who held land in Mississippi to lose both land and improvements because they were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, under an act approved August 23rd of that year, another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No sir.
Q Did any of your Choctaw ancestors receive any scrip or certificates from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they had occupied in Mississippi and Alabama in the old Choctaw Nation, and which the government had taken from them and sold at its public land sales? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842.

Q Who is William C. Merriman? A He's my cousin.
Q He's made application here to be identified as a Mississippi Choctaw hasn't he? A Yes sir.
Q Do you want to have his application taken in connection with yours in order that you may get the benefit of what he has testified to? A Yes sir.
Q And all these other applications consolidated with his and yours under the common title of William C. Merriman et al., M.C.R. 3676? A Yes sir.

The case of William C. Merriman, M.C.R. 3676, is here referred to for the purpose of the consolidation of these cases.

Q Have you any documentary evidence that you want to introduce now in support of this claim? A No sir.
Q Do you care for any time? A Why, yes.

Reasonable time will be allowed this applicant in which to furnish other evidence if he desires in support of his application.

Q Do you speak Choctaw? A No sir.
Q Or understand it? A No sir.
Q Is there anything more you want to say in support of this claim?
A No, I don't know as I can think of anything now.

This applicant has the appearance and physical characteristics of being descended from white parentage; has light blue eyes, light complexion, light hair; a striking contrast to the complexion of his sister Hattie E. Ward who is, on the contrary, very dark; he doesn't understand the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 29th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 2nd day of May, 1902.

Notary Public.

M.C.R. 5428

COPY.

Muskogee, Indian Territory, January 30, 1903

Charles E. Ward,

Chico, Texas.

Dear Sir:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Cora Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5350
Charlie P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Nettie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5365
Luther R. Etheridge,	M.C.R. 5370
Flora Ward, et al.,	M.C.R. 5424
Charles E. Ward,	M.C.R. 5428
Bennie E. Ward,	M.C.R. 5371
Hattie E. Ward,	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Nancy Wilson, et al.,	M.C.R. 5423
William H. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may ad-

minister oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jewse Arnold, Isabell Arnold, Nannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson, and Walter L. Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 5428.

Muskogee, Indian Territory, December 11, 1903.

Charles E. Ward,

Chico, Texas.

Dear Sir:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

(SIGNED).

Tams Bixby.

Chairman.

No. 5426

For Identification as a Mississippi Choctaw.

Date APR 29 1902

Name Charles E. Ward.

Age 23 — *Blood* 1/16

Post-Office, Chica x Tex.

Father: J. B. Ward l

Mother: Flora A. Ward. l

Claims through Mother.

Children:

Claim for self alone

Stenographer A. D. McMillan

Choctaw MCR 5429

Walter L. Wilson

See MCR 3676

MCR 5429

Department of the Interior.
Commissionnto the Five Civilized Tribes.
Muskogee, I. T., April 29, 1902.

#5429. --------oOo--------

In the matter of the application of Walter L. Wilson for the identification of himself as a Mississippi Choctaw.

Applicant not represented by attorney.

Walter L. Wilson, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Walter L. Wilson.
Q What is your age? A Twenty-one.
Q What is your post office address? A Chico, Texas.
Q How long have you lived there? A Been living there about eleven years.
Q Where were you born? A Tennessee.
Q Where in Tennessee? A Memphis.
Q And did you go from Tennessee to Texas? A Yes sir.
Q Is your father living? A Yes sir.
Q Mother living? A Yes sir.
Q Through which one of your parents do you claim Choctaw blood?
A Mother.
Q What is your father's name? A Jacob H. Wilson.
Q What is your mother's name? A Nancy Wilson.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Are you married? A No sir.
Q Claim for yourself alone? A Yes sir.
Q Has your mother made application to be identified as a Mississippi Choctaw? A Yes sir.
Q When did she make application? A Little while ago.
Q To-day? A Yes sir.
Q On this date? April 29th? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to any authority whatever previous to this present application made by you at this time? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir, I guess not.
Q You never have? A No sir.
Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Yes sir, I think I do.
Q Would you like to have it further explained? A I don't guess there is any need of it.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of article fourteen of that treaty?
A Not as I know of.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Nancy Powell.
Q Who did she marry? A Lewis Etheridge.
Q How much Choctaw blood did she have? A One-half.
Q Was he a white man? A Yes sir.
Q What relation was Nancy Etherdige to you? A My great-great-grandmother.
Q Did she comply with article fourteen of the treaty of 1830?
A I don't know sir.

Q Did she live in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know.
Q You don't know whether she had a family living there then?
A No sir.
Q Do you know of any of your Choctaw ancestors who did have families or were heads of families in the old Choctaw Nation in 1830? A No sir, I don't.
Q Did any of your Choctaw ancestors own improvements on land in the old Choctaw Nation in Mississippi and Alabama in 1830?
A I don't know whether they did or not.
Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to the UnitedStates Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states?
A I don't know that either.
Q Did any of your Choctaw ancestors go frommthat old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I couldn't tell you whether they did or not.
Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know as they did. Never heard anything about that far back at all.

The Choctaw Indians who lived in Mississippi and Alabama in 1830, preferring to stay in the old Nation rather than to go to the Indian Territory with the other Indians under the treaty of 1830, were required, if they wanted to take advantage of the fourteenth article of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citi zens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register, and as a result of his failure to do this a great many Indians who had land in the old Choctaw Nation, both in Mississippi and Alabama, had their land taken from them by the government and sold at its public land sales, together with the improvements on it. This caused so many complaints among the Choctaw Indians that as a result of the complaints made, Congress appointed two Commissions, one in 1837 and another in,1842. These Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these two Commissions, that of 1837 or that of 1842, claiming any benefits as Choctaw Indians? A I don't know whether they did or not.
Q Did any of your Choctaw ancestors receive any scrip from the government of the United States, or certificates, which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they had formerly had in the old Choctaw Nation in Mississippi and which the government had taken from them and sold? A I don't know.

Water L. Wilson--4.

Q Who is William C. Merriman? A My cousin.
Q He has made application here has he not? A Yessir.
Q To be identified as a Mississippi Choctaw; and also other relatives? A Yes sir.
Q All claiming through Nancy Powell or Nancy Etheridge as the common ancestor? A Yes sir.
Q Do you want to have their cases consolidated with yours and all consolidatedunder the head of William C. Merriman et al., M.C.R. 3676, as the leading case in that consolidation? A Yes sir.
Q Have you any other evidence that you want to introduce now at this time? A Why, I suppose not.
Q Do you want time in which to introduce other testimony?
A I guess so.

Reasonable time will be allowed this applicant in which to introduce other testimony in support of his application.

Q Do you understand the Choctaw language or speak it in any way?
A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, medium light complexion, blue eyes, light brown hair, caucasian features; he doesn't understand the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of thetreaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 29th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 3rd day of May, 1902.

Notary Public.

M.C.R. 5429

COPY

Muskogee, Indian Territory, January 30, 1903.

Walter L. Wilson,

Chico, Texas,

Dear Sir:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 5376
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Cora Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5350
Charlie P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Nettie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5366
Luther R. Etheridge,	M.C.R. 5370
Flora Ward, et al.,	M.C.R. 5424
Charles E. Ward,	M.C.R. 5428
Bennie E. Ward,	M.C.R. 5371
Hattie M. Ward,	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Nancy Wilson, et al.,	M.C.R. 5423
William J. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw

lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lena Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther H. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Nannie Arnold, Ettis Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Fennie F. Wilson, Flora J. Wilson, William J. Wilson and Walter L. Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.

Acting Chairman.

Registered.

16 C.B.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
M.C.R. 5429.

Muskogee, Indian Territory, December 11, 1903.

Walter L. Wilson,

Chico, Texas.

Dear Sir:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

Chairman.

No. 5429

For Identification as a Mississippi Choctaw.

Date APR 29 1902

Name Walter L. Wilson

Age 21 Blood 1/16

Post-Office, Chics. Tex

Father: Jacob H. Wilson b.

Mother: Nancy " d.

Claims through Mother

Children:

Claims for relief closed

Stenographer A. S. Mc Millan.

57429

File

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, $300.

MUSKOGEE IND. TER. DEC 12 5 — P 1902

Walter L. Wilson,

Chico, Texas.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 7 1901

CHAIRMAN

Choctaw MCR 5430

Charley Bond

See MCR 2683

MCR 5430

5430

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 26, 1902.

In the matter of the application of Charley Bond for identification as a Mississippi Choctaw.

Charley Bond, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Charley Bond.
Q How old are you? A Twenty six years old.
Q What's your post office address? A Saucier.
Q What county? A Harrison County, Mississippi.
Q How long have you lived in Harrison County? A All my life.
Q Is your father living? A Yes, sir.
Q What's his name? A Jasper Bond.
Q Mother living? A Yes, sir.
Q What's her name? A Nancy Bond.
Q Through which one of your parents do you get your Choctaw blood?
A From my father's side.
Q Has he ever been before the Commission? A Yes, sir.
Q When was he here? A Along last summer, I believe.
Q How much Choctaw blood does your father claim to have? A Half, I believe; I have forgot.
Q Through which one of his parents did he get his Choctaw blood?
A His mother.
Q How much Choctaw blood did his mother have? A She was a full blood, I think.
Q Your father's mother? A Yes, sir.
Q What was her name? A Careline Lot.
Q Did you ever see her? A No, sir.
Q How old a man is your father? A He is about sixty years old.
Q Where was he born? A Harrison County.
Q Lived there all his life? A Yes, sir.
Q Where was his mother born? A I couldn't tell you that; I guess she was born there.
Q You don't know where she lived during her life time prior to the birth of your father? A No, sir, I don't know.
Q Do you know the names of her parents? A No, sir.
Q Don't know anything about them? A No, sir.
Q How much Choctaw blood do you claim to have? A Quarter, I reckon.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q This application, then, is for yourself only, is it? A Yes, sir.
Q Has any application, of any description, ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory,

under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir, that's what I come for.
Q You understand that fourteenth article? A No, sir, I don't understand it.

The treaty of Dancing Rabbit Ereek was entered into here in Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the fourteenth article was put in the treaty. That fourteenth article provided that upon certain conditions, a Choctaw who wanted to stay here in Mississippi, and not move out to the new nation, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratificationof this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes, sir, I believe I understandit.
Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article, to your knowledge? A I don't know.
Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not that I know of.
Q Did any of them live here at that time, to your knowledge?
A No, sir, not to my knowledge.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
A Not as I know of.
Q Any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government, here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A No, sir.
Q Did any of them ever claim or receive any land from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.
Q Sure of that? A Not that I know of.
Q Did you ever hear of any of your ancestors ever having received any land from the Government of the United States? A No, sir.
Q Or any money? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government they should be entitled to select in the place of the land

so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?
A No, sir.
Q Do you know of any real old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know of any.
Q Do you know of any written evidence, of any kind, which would prove or tend to prove such a state of facts? A No, sir.
Q Have you any written evidence of any kind to offer at this time?
A No, sir.
Q Any witnesses here today? A No, sir, none at all.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time in support of your application? A No, sir.
Q Have you any brothers living? A Yes, sir.
Q How many? A Five.
Q What are their names? A One of them is named Rus, and Bander, John.
Q Next one? A William M.
Q Next one? A Eddie.
Q Next one? A That's all.
Q Have you any sisters living? A One.
Q What's her name? A Bettie.
Q Is she married? A No, sir.
Q You don't speak or understand the Choctaw language? A No,sir.
Q Does your father? A No, sir.

(The applicant has the appearance of being a white man and shows no indication of being possessed of Indian blood. He has light hair, gray eyes, light mustache; his skin is dark. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled

Charley Bond, 5.

cause at Meridian, Mississippi, on the 26th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Stuart

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY. M.C.R. 5430.

Muskogee, Indian Territory, February 7, 1903.

Charley Bond,

Saucier, Mississippi.

Dear Sir:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jasper Bond, et al., embracing the following applications for identification as Mississippi Choctaws:

Jasper Bond, et al.,	M.C.R. 2683
Rusel B. Bond, et al.,	M.C.R. 2681
George E. Bond, et al.,	M.C.R. 2682
Charley Bond,	M.C.R. 5430
William M. Bond,	M.C.R. 4593
Caroline Johnson, et al.,	M.C.R. 5431

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jasper Bond, Idella M. Bond, Edna D. Bond, Rusel B. Bond,

C. B. No. 2.

Nancy C. Bond, George R. Bond, Van McKinley Bond, Charley Bond, William M. Bond, Caroline Johnson, Horace Johnson, Lottie Johnson and Wilma Johnson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

SIGNED
Tams Bixby.
Acting Chairman.

Registered.

M C R 5430

COPY.

Muskogee, Indian Territory July 16, 1903.

Charley Bond,

Saucier, Mississippi.

Dear Sir:

You are hereby notified that on the 23rd day of May 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Bond et al., of which decision you were advised by registered mail on the 7th day of Febru ry 1903.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

No. 5486

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

Name Charley Bond

Age 26 Blood 1/4

Post-Office, Sawyer Miss.

Father: Jasper Bond dec

Mother: Nancy " dec

Claims through father

Children:

For self only

Fathers mother Caroline dec. d

Stenographer R. S. Steele

Choctaw MCR 5431

Caroline Johnson

See MCR 2683

MCR 5431

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 26, 1902.

In the matter of the application of Caroline Johnson for the identification of herself and three minor children, Horace, Lottie and Wilma, Johnson, as Mississippi Choctaws.

Caroline Johnson, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Caroline Johnson.
Q How old are you? A Twenty four.
Q How much Choctaw blood have you? A One-eighth, I guess.
Q What's your post office address? A Roosevelt.
Q What county? A Harrison County, Mississippi.
Q How long have you lived in Harrison County? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A James King.
Q Is your mother living? A No, sir.
Q What was her name? A Miranda Bond.
Q That was her maiden name? A Yes, sir.
Q Through which one of your parents did you derive your Choctaw blood? A My mother.
Q How long has she been dead? A Seven years.
Q About how old was she when she died? A She was fifty years old.
Q Did she live in Harrison County all her life? A Well, no, sir, not quite; after she was married she lived in Jasper county.
Q Through which one of her parents did she derive her Choctaw blood? A Her mother.
Q What was her name? A Caroline Lot.
Q Did you ever see her? A No, sir. Died when my mother was little.
Q Do you know how old she was when she died? A She was about twen - ty five, I think.
Q Where was she born? A I don't know, sir; I did know - ,my mother told me about it, but I was small and forgot it.
Q Through which one of her parents did she get her choctaw blood?
A Her father.
Q What was his name? A I don't know, sir; I did know, but forgot.
Q He was a full blood Choctaw, was he? A I don't know.
Q Did her mother have any Choctaw blood to your knowledge? A No, sir.
Q What is the name of your husband? A Daniel Johnson.
Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him? A No, sir.
Q He is living, is he? A Yes, sir.
Q How many children have you living? A Three/
Q What are their names and ages? A Horace, he is seven years old.
Q Next? A Lottie is five, and Wilma is two.
Q Wilma is a girl? A Yes, sir.
Q Are they all the children of yourself and Daniel Johnson? A Yes, sir.

Q Are they all living with you at this time? A Yes, sir.
Q This application, then, is for yourself and three minor children? A Yes, sir.
Q Has any application of any description ever been made before today for the purpose of establishing your rights as a Choctaw Indian? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that 14th article? A Yes, sir.
Q Did any of your ancestors ever comply, or attempte to comply with its provisions, or ever receive any benefits under that article?
A No, sir, not that I know of.
Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A Yes, sir.
Q Do you know whether any of them lived here at that time? A Yes, sir, I guess they did.
Q Who? A Lived in this State, you mean?
Q Yes, here in what was known as the old Choctaw Nation? A No, I don't believe I know that far back, unless it was my grand mother.
Q Where did they live at that time? A I don't know, sir.
Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
A Not as I know of.
Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government, here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States andtake land? A Not as I know of.
Q Did any of them ever claim or receive any land here in Mississippi, ffom the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.
Q Did you ever hear of any of your people ever having received any land, or money, from the Government of the United States? A Not as I know of.
Q In

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government, the names of many Choctaws who did, in fact, let him know that they wanted to stay here and on this account the Government, at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Choctaws, and the matter was f finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down he here to Mississippi and hear the cases of Choctaws who claimed that they had complied, in all respects, with the

provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the president of the United States, and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
Q Have you any written evidence of any kind to offer at this time, in support of your application? A Yes, sir.

Joint affidavit of Nathan Lott and W.R.Hatten is offered in evidence, identified as Exhibit "A", filed and made a p part of the record in this case.

Q Who are these people who make this affidavit? A They are no kin to me. Mr.Lott, may be distant kin.
Q They are white men, are they? A Yes, sir.
Q Living in Harrison County, Mississippi? A Yes, sir, they have known my family for a number of years.
Q Have you any witnesses here today to testify in your behalf? A
A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No, sir, I don't know anything else to say.
Q Have you any brothers living? A No, sir.
Q Ever have any? A Yes, sir, got one dead.
Q How old was he when he died? A Twenty one.
Q Did he leave any children? A No, sir.
Q Have you any sisters living? A No, sir.
Q Ever have any? A No, sir.
Q Your mother any brothers living? A Yes, sir.
Q How many? A One.
Q What's his name? A Jasper Bond.
Q He has been before the Commission, has he? A Yes, sir.
Q Has she any sisters living? A No, sir, she has half sisters.
Q They have no Choctaw blood? A No, sir.
Q Has she any brothers or sisters dead who left children? A No, sir.
Q You don't speak or understand the Choctaw language? A No, sir.
Q Did your mother? A No, sir.

(This applicant has the appearance of being a white woman, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 26th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R S Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 5431

Muskogee, Indian Territory, February 7, 1903.

Caroline Johnson,

Roosevelt, Mississippi.

Dear Madam:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jasper Bond, et al., embracing the following applications for identification as Mississippi Choctaws:

Jasper Bond, et al.,	M.C.R. 2683
Rusel B. Bond, et al.,	M.C.R. 2681
George E. Bond, et al.,	M.C.R. 2682
Charley Bond,	M.C.R. 5430
William M. Bond,	M.C.R. 4593
Caroline Johnson, et al.,	M.C.R. 5431

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jasper Bond, Idella M. Bond, Edna D. Bond, Rusel B. Bond,

C. J. No. 2.

Nancy C. Bond, George E. Bond, Van McKinley Bond, Charley Bond, William M. Bond, Caroline Johnson, Horace Johnson, Lottie Johnson and Wilma Johnson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED): Tams Bixby.

Registered.

Acting Chairman.

5431

M C R 2683

Muskogee, Indian Territory, February 26, 1903.

Caroline Johnson,

Roosevelt, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 19th instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You ask that you be allowed further time in which to submit additional evidence in support of your claim.

In reply to your letter you are informed that the fifteen days from February 7, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on February 22, 1903. On February 24, 1903, the record in your case, together with the decision of the Commission was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

The fifteen days allowed applicants in Mississippi Choctaw cases within which to file arguments in support of their claims are granted under specific departmental instructions and can not be extended.

Respectfully,

Chairman.

M C R 8431

COPY.

Muskogee, Indian Territory, July 16, 1903.

Caroline Johnson,
Roosevelt, Mississippi.

Dear Madam:

You are hereby notified that on the 23rd day of May 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Bond et al., of which decision you were advised by registered mail on the 7th day of February 1903.

Respectfully,

(SIGNED)
T. B. Needles,
Commissioner in Charge.

#2118

No. 5431

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

Name Caroline Johnson

Age 24 Blood 1/8

Post-Office, Roosevelt, Miss

Father: James King d

Mother: Miranda " d

Claims through mother

husband Daniel Johnson d

no claim for husband

Children:

Horace Johnson 7

Lattie " 5

Wilma " 2

mothers ~~father~~, mother Carolyne Lot d.

Stenographer R. L. Street

Choctaw MCR 5432

Mary Clopp

See MCR 4791, 4786, 4787, 5341
4785, 4793, 5419, 4788, 4789
4790, 4794

MCR 5432

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mary Clapp, et al., for identification as Mississippi Choctaws, consolidating the applications of

Mary Clapp,	M	C	R	5432
William M. Davis,	"			4791
Laura Allain,	"			4786
Irene V. Miller, et al.,	"			4787
Maud R. Stevens, et al.,	"			5341
Thomas M. Davis, et al.,	"			4785
Virginia E. Walker, et al.,	"			4793
William F. Dent, et al.,	"			5419
Thomas J. Dent, et al.,	"			4788
Charles R. Dent,	"			4789
Augusta Dent,	"			4790
Louis Dent,	"			4794

List of papers forwarded to Secretary of the Interior comprising the record in the consolidated case of Mary Clapp, et al.

Original application of Mary Clapp to the Dawes Commission for identification as Mississippi Choctaws..... 1

Original application of William M. Davis, to the Dawes Commission for identification as a Mississippi Choctaw..... 7

Marriage license and certificate of Wm. Minor Davis and Sina Burgett..... 14

Original application of Laura Allain to the Dawes Commission for identification as a Mississippi Choctaw.....16

Original application of Irene V. Miller, et al., to the Dawes Commission for identification as Mississippi Choctaws.....19

Original application of Maud R. Stevens, et al., to the Dawes Commission for identification as Mississippi Choctaws..... 22

Power of attorney from Maud Revena Stevens to Wm. Minor Davis..... 24

Verified certificate of illness of Maud Stevens by Phillip Beckman, M. D..... 24 a

Original application of Thomas H. Davis, et al., to the Dawes Commission for identification as Mississippi Choctaws..... 25

Testimony of Samuel L. Winston..... 27

Testimony of John B. Hays..... 29

Certified copy of the marriage record of Thos. H. Davis and Julia A. Bowie.....32

Original application of Virginia E. Walker, et al., to the Dawes Commission for identification as Mississippi Choctaws..... 33

Original application of William F. Dent, et al., to the Dawes Commission for identification as Mississippi Choctaws..... 38

Original application of Thomas J. Dent, et al., to the Dawes Commission for identification as Mississippi Choctaws..... .44

Certified copy of the marriage record of Thos. J. Dent and Stella R. Wood..... 49

Original application of Charles R. Dent to the Dawes Commission for identification as a Mississippi Choctaw..... 50

Testimony of John B. Hays.....52

Original application of Augusta Dent to the Dawes Commission for identification as a Mississippi Choctaw..... 54

Original application of Louis Dent to the Dawes Commission for identification as a Mississippi Choctaw..... 57

Decision of the Commission refusing the applications in the consolidated case of Mary Clapp et al., for identification as Mississippi Choctaws..... 63

5437

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 26, 1902.

In the matter of the application of Mary Clapp for the identification of herself alone as a Mississippi Choctaw.

Mary Clapp, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Mary Clapp.
Q How old are you? A I am sixty three.
Q How much Choctaw blood have you? A My father was a half breed.
Q Your mother had no Choctaw blood? A No, sir, my mother was a Scotch.
Q You claim to be one quarter.
Q What's your post office address? A Natchez, Mississippi, Adams County.
Q How long have you lived in Admms County, Mississippi? A Was born there.
Q Lived there all your life? A Yes, sir, have never lived in the little town of Natchez.
Q Is your father living? A No, sir.
Q What was his name? A Thomas Jefferson Dent.
Q Is your mother living? A No, sir.
Q What was her name? A Jane Ford before she married.
Q Through which one of your parents did you get your Choctaw blood? A My father.
Q Were your father and mother lawfully married? A I suppose so; that I don't know.
Q You don't know whether they were married under a license or not?
A No, sir, I couldn't tell. He used to have a history of births and deaths, but they were all destroyed during the Civil War; the little property my mother had was all destroyed; he died in '64.
Q How long did they live together as husband and wife, do you know?
A I couldn't tell you that.
Q How many children was born? A There was ten children born to them, five brothers and four sisters.
Q Did they live together up until the time of his death? A Yes, sir; I always heard them speak of the marriage, but I couldn't say I know it, you know.
Q Where did your father live during his entire life? A In Adams County, Mississippi.
Q Born and raised there? A Yes, sir, from what I know; I couldn't swear it, but I have never known anything else.
Q Which one of his parents had Choctaw blood, his father or mother? A It was his mother.
Q What was her name? A I couldn't tell you that.
Q Did you ever see her? A No, sir.
Q According to your testimony, she must have been a full blood Choctaw woman? A His mother was a full blood Choctaw; I have often heard him speak of her.

Q Did your father speak the Choctaw language? A Well, I think he did.
Q You couldn't swear positively that he did? A No, sir.
Q Did you ever hear him say where his mother was born? A Never heard him say.
Q What was his father? A His father was American, that's all I know; I couldn,t tell you what descent; he was a white man.
Q You never saw him? A No, sir, never saw anything but my own father.
Q Are you married? A Yes, sir.
Q Husband living? A Yes, sir.
Q Has he any Choctaw blood? A No, sir.
Q What's his name? A His name is Clapp.
Q Full name? A Lawrence Clapp.
Q You make no claim for him? A No, sir.
Q Have you any minor children living? A No, sir.
Q This application is for yourself only? A Yes, sir.
Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A Not that I know of.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the fourtseenth article of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand that 14th article? A Not perfectly.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the fourteenth article was put in the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is libing with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside uon said land intending to become citizens of the
p States for five years after the ratific tion of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article? A yes, sir, I understand it.
Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?
A That, I don't know.
Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the yar 1830, when this treaty was made? A Not that I know of.
Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
A My father didn't go, because he died right there, and that's all I know.
Q You don't know whether his mother went out there or not? A She must have been dead; he was sixty three years old when he died.
Q Did any of your Choctaw ancestors, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A I don't know; I couldn't tell you anything about it.
Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.
Q

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States, and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?
A Not that I know of.
Q So far as you know, then, none of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians? A So far as I know, I never heard of it.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?
A I don't know of any. That Mr.Winton who was up here was the oldest man I know of. He was eighty three and come up here with William M. Davis, and that's the oldest person I know anywhere that knows anything about my family.
Q What kin is William M. Davis to you? A I am his aunt; my sister was his mother; she was the oldest daughter.
Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
Q Have youany written evidence of any kind to offer at this time?
A No, sir.
Q Have you any witnesses here today? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or withina reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application A No, sir.
Q How many vhildren have you living? A Two.
Q What are their names? A My oldest daughter is named Beatrice Ebbers.
Q Where does she live? A She lives in Washington City.
Q What's the name of the other one? A Mary Lathrop.
Q Where does she live? A In Tennessee.
Q What place? A Knoxville.
Q Have they been before this Commission? A No, sir.

Q Did you ever have any other children? A Two boys but they are dead
Q Died in infancy? A Yes, sir.
Q How many brothers have you living? A Have only two living. One was here yesterday- was a brother of mine.
Q What are the names of those two? A His name was William Ford Dent, and the other brother is named John Newton Dent, but I can't tell where he lives; he has been in the Indian Territory and lived there, but I can,t tell you wherehe is now.
Q Have you any sisters living? A No, sir; I'm the only girl living; the others are all dead.
Q Any of your brothers leave children? A Yes, sir.
Q How many of your brothers left children? A Only two.
Q What's the name of the oldest one who left children? A His name was Augustus Dent.
Q How many children did he leave? A Three.
Q Are they living now? A Yes, sir.
Q What are their names? A Thomas Dent, Charley Dent, and a girl called Augusta Dent.
Q Have they ever been before the Commission? A Every one of them.
Q What was the name of your other brother who left children?
A Albert Dent, he left one child.
Q Is that child living? A Yes, sir, she's living.
Q What's her name? A Irene Dent. The last I heard she lived in Louisiana.
Q You don't know whether she has been before the Commission or not?
A I know she has not; she lives at New Orleans, and I have not written to them anything aboutthis; I have written to my children, but never wrote to my brother's daughter, for I don't know her address.
Q How many sisters have you dead who left children? A Two.
Q What's the name of the oldest one? A Margaret Davis was her married name.
Q How many children did she leave? A She left five- two girls and three boys.
Q Are they livingnow? A Two boys living and one boy dead, and the girls are all dead but two.
Q What are the names of the boys living? A William Minor Davis and James Davis.
Q He has also been here? A Yes, sir, they were here in February.
Q Did the other son of your sister leave children? A No, sir.
Q Did either of your sister Margaret's daughters leave children?
A No, sir, they didn,t leave any children. They had children,but they died.
Q What's the name of your other sister dead who left children?
A She left two children, but one daughter is dead, and she has only one child.
Q What was her name? A Martha Dent in the first place, and her married name was Martha Wilkins.
Q What is the name of her daughter who is living? A Lizzie Wilkins she lives in Saint Louis.
Q Is she married? A No, sir, she's not married.
Q Has she been before the Commission? A No, sir, she has not.

(The applicant has black hair, rather dark complexion,dark eyes. She has the appearance of being possessed of white and either negro or Indian blood, in which the white blood largely predominates. She does not speak or understand the Choctaw language.)

Mary Clapp, 6.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 26th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

C m m
C.u.w

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In the matter of the application of Mary Clapp, et al., for identification as Mississippi Choctaws, consolidating the applications of

Mary Clapp	M.C.R. 5432
William M. Davis	M.C.R. 4791
Laura Allain	M.C.R. 4786
Irene V. Miller, et al	M.C.R. 4787
Maud R. Stevens, et al	M.C.R. 5341
Thomas M. Davis, et al	M.C.R. 4788
Virginia E. Walker, et al	M.C.R. 4793
William F. Dent, et al	M.C.R. 5419
Thomas J. Dent, et al	M.C.R. 4788
Charles R. Dent	M.C.R. 4789
Augusta Dent	M.C.R. 4790
Louis Dent	M.C.R. 4794.

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Mary Clapp for herself; by William M. Davis for himself; by Laura Allain for herself; by Irene V. Miller for herself and her minor child, Emily Miller; by William Minor Davis for his daughter,

Maud R. Stevens, and her two minor children, Marguerite and William M. Stevens; by Thomas H. Davis for himself and his six minor children, Mamie, Joseph, Marguerite, George, Thomas and Norma Davis; by Virginia E. Walker for herself and her minor grandchild, Livingston W. Irving; by William F. Dent for himself and his minor child, Virginia F. Dent; by Thomas J. Dent for himself and his three minor children, Charlie, Selma and Robert Dent; by Charles R. Dent for himself; by Augusta Dent for herself; and by Louis Dent for himself under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Thomas Jefferson Dent, who is alleged to have been a halfblood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of

the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Thomas Jefferson Dent, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Clapp, William M. Davis, Laura Allain, Irene V. Miller, Emily Miller, Maud R. Stevens, Marguerite Stevens, William M. Stevens, Thomas H. Davis, Mamie Davis, Joseph Davis, Marguerite Davis, George Davis, Thomas Davis, Norma Davis, Virginia R. Walker, Livingston W. Irving, William F. Dent, Virginia F. Dent, Thomas J. Dent, Charlie

Dent, Selma Dent, Robert Dent, Charles R. Dent, Augusta Dent and Louis Dent as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

AUG 27 1902.

COPY.

M.C.R. 5432

Muskogee, Indian Territory, August 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary Clapp, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 27th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Mary Clapp,	M.C.R. 5432
William M. Davis,	" 4791
Laura Allain,	" 4786
Irene V. Miller, et al.,	" 4787
Maud R. Stevens, et al.,	" 5341
Thomas H. Davis, et al.,	" 4785
Virginia E. Walker, et al.,	" 4793
William F. Dent, et al.,	" 5419
Thomas J. Dent, et al.,	" 4788
Charles R. Dent,	" 4789
Augusta Dent,	" 4790
Louis Dent,	" 4794

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations

Secretary-2

have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 enclosure.

M.C.R. 5432

Muskogee, Indian Territory, August 27, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 27th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Clapp, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Clapp,	M.C.R.	**5432**
William M. Davis,	"	4791
Laura Allain,	"	4786
Irene V. Miller, et al.,	"	4787
Maud R. Stevens, et al.,	"	5341
Thomas H. Davis, et al.,	"	4785
Virginia E. Walker, et al.,	"	4793
William F. Dent, et al.,	"	5419
Thomas J. Dent, et al.,	"	4788
Charles R. Dent,	"	4789
Augusta Dent,	"	4790
Louis Dent,	"	4794

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495), which is as follows:

M,McM & C-2

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Clapp, William M. Davis, Laura Allain, Irene V. Miller, Emily Miller, Maud E. Stevens, Marguerite Stevens, William M. Stevens, Thomas H. Davis, Mamie Davis, Joseph Davis, Marguerite Davis, George Davis, Thomas Davis, Norma Davis, Virginia E. Walker, Livingston W. Irving, William F. Dent, Virginia F. Dent, Thomas J. Dent, Charlie Dent, Selma Dent, Robert Dent, Charles R. Dent, Augusta Dent and Louis Dent as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission hason this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

M.C.R. 5432

Muskogee, Indian Territory, August 27, 1902.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 27th day of August,1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Clapp, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Clapp,	M.C.R.	5432
William H. Davis,	"	4791
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Irene V. Miller, et al.,	"	4787
Maud R. Stevens, et al.,	"	5341
Thomas H. Davis, et al.,	"	4785
Virginia E. Walker, et al.,	"	4793
William F. Dent, et al.,	"	8419
Thomas J. Dent, et al.,	"	4788
Charles R. Dent,	"	4789
Augusta Dent,	"	4790
Louis Dent,	"	4794

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"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Clamp, William M. Davis, Laura Allain, Irene V. Miller, Emily Miller, Maud R. Stevens, Marguerite Stevens, William M. Stevens, Thomas H. Davis, Marie Davis, Joseph Davis, Marguerite Davis, George Davis, Thomas Davis, Norma Davis, Virginia F. Walker, Livingston W. Irving, William F. Dent, Virginia F. Dent, Thomas J. Dent, Charlie Dent, Selma Dent, Robert Dent, Charles R. Dent, Augusta Dent and Louis Dent as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 5432

Muskogee, Indian Territory, August 27, 1902.

Mary Clapp,

Natchez, Mississippi.

Dear Madam:

You are hereby advised that on the 27th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Clapp, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Clapp,	M.C.R. 5432
William M. Davis,	" 4791
Laura Allain,	" 4786
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Thomas M. Davis, et al.,	" 4785
Virginia F. Walker, et al.,	" 4793
William F. Dent, et al.,	" 5412
Thomas J. Dent, et al.,	" 4788
Charles L. Dent,	" 4789
Augusta Dent,	" 4790
Louis Dent,	" 4794

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perserm all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Clapp, William M. Davis, Laura Allain, Irene V. Miller, Emily Miller, Maud R. Stevens, Marguerite Stevens, William M. Stevens, Thomas H. Davis, Mamie Davis, Joseph Davis, marguerite Davis, George Davis, Thomas Davis, Norma Davis, Virginia E. Walker, Livingston W. Irving, William F. Dent, Virginia F. Dent, Thomas J. Dent, Charlie Dent, Selma Dent, Robert Dent, Charles R. Dent, Augusta Dent and Louis Dent as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

COPY.

M.C.R. 5432

Muskogee, Indian Territory, August 27, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Clapp, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Clapp,	M.C.R. 5432
William M. Davis,	" 4791
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Virginia E. Walker, et al.,	" 4793
William F. Dent, et al.,	" 5419
Thomas J. Dent, et al.,	" 4788
Charles R. Dent,	" 4789
Augusta Dent,	" 4790
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"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of th Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Clapp, William M. Davis, Laura Allain, Irene V. Miller, Emily Miller, Maud R. Stevens, Marguerite Stevens, William M. Stevens, Thomas H. Davis, Jamie Davis, Joseph Davis, Marguerite Davis, George Davis, Thomas Davis, Norma Davis, Virginia M. Walker, Livingston W. Irvine, William T. Dent, Virginia F. Dent, Thomas J. Dent, Charlie Dent, Selma Dent, Robert Dent, Charles R. Dent, Augusta Dent and Louis Dent as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tams Bixby.

Acting Chairman.

Registered.

(Copy)

Land.
51,546-1902

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, October 4, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the record and proceedins had before the Commission to the Five Civilized Tribes, in the consolidated Mississippi Choctaw case of Mary Clapp, et al.

The following cases are consolidated therein:

Mary Clapp, et al.

William M. Davis.

Laura Allain.

Irene V. Miller, et al.

Maude R. Stevens, et al.

Thomas H. Davis, et al.

Virginia E. Walker, et al.

William F. Dent, et al.

Thomas J. Dent, et al.

Thomas R. Dent.

Augusta Dent.

Louis Dent.

The record evidence in this case shows that the common ancestor of the applicants and through whom they claim to have de-

rived their Choctaw blood, was one Thomas Jefferson Dent.

The record evidence in this case also shows that the applicants themselves know nothing about their said ancestor, Thomas Jefferson Dent, ever having complied with the 14th article of the treaty of 1830 or having appeared before the commissions appointed for the adjudication of claims under said article by virtue of the acts of Congress of March 3, 1837 (5 Stats., 180, and August 23, 1842,(5 Stats., 513).

Samuel L. Winston, one of the witnesses, in his testimony, beginning on page 27 of the record, testifies, in substance, that he is nearly 80 years old; that he has lived in Adams, County, Mississippi, nearly all his life, and that he has no Indian blood; that he knew Thomas Jefferson Dent and his wife Jane; that he has always understood that said Thomas Jefferson Dent was a Choctaw of half blood and thinks his mother was a Choctaw woman; that he knew him when affiant was a little boy about ten years old, and that said Thomas Jefferson Dent was a blacksmith by trade; that he was about ten or twelve years older than affiant, but could not speak and understand the Choctaw language so far as he knows; that he lived near him for ten or twelve years and thinks he died in 1862 or 1863 while affiant was in the Army; that he never saw the mother of said Dent; that his father was a white man; that he does not think any of his ancestors ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits

under that article , and that he raised a large family and was a very industrious man.

John B. Hayes, whose testimony begins on page 29 of the record knows but little about Thomas Jefferson Dent, and his testimony adds nothing in support of the claim of the applicants.

The testimony of these two witnesses is the only record evidence in addition to the testimony of the applicants themselves.

There is nothing in the record evidence showing that the said Thomas Jefferson Dent or any of his descendants ever complied with the provisions of the 14th article of the treaty of 1830 or sought to take advantages of those provisions by appearing before the commissions authorized by the Acts of Congress of March 3, 1837, (5 Stats., 180 and August 23, 1842, (5 Stats., 513)

The office records do not show that any one by the name of Thomas Jefferson Dent ever owned land under the provisions of said 14th article or attempted to comply with the provisions thereof.

Neither do said office redords show that any person by the name of Dent ever complied with said article of said treaty.

The office therefore concludes that the decision of the commission finding that the evidence in this consolidated case if insufficient to establish the identity of the applicants as Mississippi Choctaw Indians entitled to rights in the lands of the

Choctaw Nation is correct, and recommends that the same be affirmed by the Department.

Very Respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner.

(W.C.B.)

P.

D.C. 19533-1902 Copy RAF.

DEPARTMENT OF THE INTERIOR.

WASHINGTON

ITD.6110-1902. October 17, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

August 27, 1902, you transmitted the consolidated case involving the applications for identification of the following named persons as Mississippi Choctaws, towit: William M. Davis, Laura Allain; Irene V. and Emily Miller; Maud R., Marguerite and William M. Stevens; Thomas H., Mamie, Joseph, Marguerite, George, Thomas and Norma Davis; Virginia E. Walker, Livingston W. Irving; William F. and Virginia F. Dent; Thomas J., Charlie, Selma and Robert Dent; Charles R. Dent, Augusta Dent, Louis Dent, Mary Clapp.

The applicants endeavor to trace their descent from one Thomas Jefferson Dent, alleged to have been a half blood Choctaw Indian, residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Thomas Jefferson Dent or a less remote ancestor of the applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of

the acts of March 3, 1837 (5 Stat., 180, and August 23, 1842 (5 Stat., 513). You refused the applications August 27, 1902.

Forwarding the papers October 4, 1902, the Acting Commissioner of Indian Affairs recommends your decision be approved. A copy of his letter is inclosed.

The Department has thoroughly reviewed the record, and hereby affirms the decision rendered.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretayr.

1 inclosure.

EMD.

COPY. M.C.R. 5432

Muskogee, Indian Territory, October 29, 1902

A.W.Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Clapp, et al., of which decision you were advised by registered mail on the 27th day of August, 1902.

Respectfully,

Acting Chairman.

COPY. M C R 5432

Muskogee, Indian Territory, October 29, 1902.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Clapp, et al., of which decision you were advised by registered mail on the 27th day of August, 1902.

Respectfully,

Tams [illegible]

Acting Chairman.

M C R 5432

Muskogee, Indian Territory, October 29, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Clapp, et al., of which decision you were advised by mail on the 27th day of August, 1902.

Respectfully,

Acting Chairman.

COPY.
COPY.

M C R 5432

Muskogee, Indian Territory, October 29, 1902.

Mary Clapp,

Natchez, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Clapp, et al., of which decision you were advised by registered mail on the 27th day of August, 1902.

Respectfully,

Acting Chairman.

mcR 5432
Mary Dent 63-1/4
mar
Lawrence Clapp

Beatrice Clapp
mar
—— Ebbers

Mary Clapp
mar
—— Lathrop

mcR 4786
Laura Davis 31-1/16
mar
Rodolph allain

mcR 4791
William Minor Davis 51-1/8
mar
(or Sinai) Dina S. Surgett dead

mcR 4785
Irene V. Davis 28-1/16
mar
James H. Miller

mcR 4787
Emily Miller 3

Margaret Dent (69?) 1/4 dead
mar
Allen Davis

mcR 5341
Maud R. Davis 24-1/16
mar
William A. Stevens

mcR
Marguerite Stevens 4
" William M. " 2 m

10 or 100
Thomas Jefferson Dent 1/2 m 1/8 dead

—— Dent fb
hus
—— Dent -w-

mar
Jane Ford
neg - dead

mcR 4785
Thomas H. Davis 43-1/8
mar
Julia Ann Bourie

mcR 4785
Mamie Davis 16
" Joseph " 14
" Marguerite " 8
" George " 6
" Thomas " 5
" Norma " 3

mcR 4793
Virginia E. Davis 48-1/8
mar
John A. Walker

Gertrude F. Walker
mar dead
Walter Irving dead

Livingston W. Irving 11

James Davis

mcR 5419
William Ford Dent 51-1/4
wife

mcR 5419
Virginia F. Dent 9

mor 5419
William Ford Dent 51-1/4
wife
Isabel Dent

mor 5419
Virginia F. Dent 9

mor 4788
Thomas J. Dent 35-1/8
mar
Stella R. Wood

mor 4788
Charlie Dent 12
" Selma " 9
" Robert " 5

Augustus Dent (64?) 1/4
dead

mor 4789
Charles R. Dent 33-1/8
wife
Eliza L. Dent

mor 479
Augusta Dent 29-1/8

Albert Dent Bud
wife dead
Ellen Dent
(now Warren)

mor 4[illegible]
Louis Dent 40-1/8
Irene Dent

Martha Dent
dead
mar
—— Wilkins
(or Winston)

Lizzie Wilkins

Mary Frances Dent
mar
Frank Morrison

—
—
—

John Newton Dent

#2119 No. 5432

For Identification as a Mississippi Choctaw.

Meridian Miss.

APR 26 1902

Date

Name Mary Clapp

Age 63 Blood 1/4

Post-Office, Natchez, Miss.

Father: Thomas J. Dent d

Mother: Jane " d

Claims through husband father

Lawrence Clapp d

no claim for husband.

For self only

Children:

R. S. Streit

Choctaw MCR 5433

Emma J. Tucker

by

Madison J. Tucker

See MCR 5257

MCR 5433

5483

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 26, 1902.

In the matter of the application of Emma J. Tucker for the identification of herself and her four minor children, Birdie L., William McKinley, Bettie L., and Roosevelt Tucker, as Mississippi Choctaws, represented by her husband, Madison J. Tucker.

Appearances:
S.A.Beadle, Attorney for Applicant.
A. W.Jones, Agent for Applicant.

Madison J. Tucker, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Madison J. Tucker.
Q How old are you? A I am forty.
Q What's your post office address? A Yazoo City.
Q How long have you lived in Yazoo City? A Been there all my life.
Q Have you any Choctaw blood? A No, sir.
Q For what purpose do you appear before the Commission at this time? A For the purpose of making application for my wife and children.
Q What's the name of your wife? A Emma J. Tucker.
Q Why does she not appear here in her own behalf? A She is in such condition she can't travel.
Q You present here a certificate of L.T.Miller, M.D., as to the physical condition of Emma J. Tucker, and also a power of attorney executed by Emma J. Tucker on the 23rd day of April, 1902, giving you authority to appear here in her behalf; is the Emma J.Tucker referred to in this document, your wife? A Yes, sir.
Q How old is Emma? A I think she's twenty six years old.
Q How much Choctaw blood has she? A One eighth.
Q What's her post office address? A yazoo City.
Q You are living together now, are you? A Yes, sir.
Q Were you married to her under a license? A Yes, sir.
Q When? A In 1892, I think it was; I am not positive.
Q Where? A Yazoo City.
Q Who married you? A Reverend A.D.Payne, Methodist pastor of Yazoo City.
Q Have you lived together ever since your marriage? A Yes, sir.
Q Is her father living? A Yes, sir.
Q What's his name? A Green Martin.
Q Is her mother living? A Yes, sir.
Q What's her name? A Bettie Martin.
Q Through which one of her parents does your wife derive her Choctaw blood? A From her mother.
Q Has he mother been before this Commission? A She was here last week, or week before; the second day of this sitting. We come here on Sunday, and she came before you on Tuesday morning.
Q Has your wife any minor brothers or sisters? A Yes, sir.
Q How many? A She has two minor brothers and sisters.
Q What are their names? A One Tom Martin and Alberta.

Q Has your wife lived in Yazoo City all her life? A No, sir.
Q Where else did she ever live? A In Madison County.
Q Was she born over there? A I think so.
Q She has lived in this State all her life, has she? A Yes, sir.
Q How many minor children has she living? A Four.
Q What are their names and ages? A Birdie L.
Q How old? A Ten years.
Q Next one? A William McKinley.
Q How old? A Six years old.
Q Next? A Bettie L.
Q How old? A Three years old.
Q Next? A Roosevelt, one year.
Q The oldest one is a girl? A Yes, sir.
Q And the third one is a girl? A Yes, sir.
Q And the other two boys? A Yes, sir.
Q This application is for your wife and four minor children? A Yes, sir.
Q Has any application of any description ever been made for any of them before today for the purpose of establishing their rights as Choctaw Indians? A No, sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for your wife and four minor children under article 14 of the treaty of Dancing Rabbit Creek, do you? A Yes, sir.
Q You understand that 14th article? A Yes, sir.
Q Did any of your wife's ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A Not that I know of.
Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir.
Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
A No, sir.
Q Do you know whether any of them lived here in 1830, when this treaty was made? A Yes, sir.
Q Do you know whether they did, or not? A No, sir. In 1830, when the treaty was made?
Q Yes, sir? A Yes, sir.
Q Who of them lived here then? A Well, my wife's great grand mother.
Q What was her name? A Jane Edwards.
Q The woman through whom she claims the Indian blood? Did you ever see her? A No, sir.
Q Know nothing whatever about her? A No, sir.
Q How do you know who was living here in Mississippi at that time?
A That's what I heard them say.
Q Heard who say? A Mrs. Martin, my wife's mother.
Q Did any of your wife's Choctaw ancestors, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A Not that I know of.
Q Did any of them ever claim or receive any land from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.
Q Did you ever hear of your wife's ancestors ever having gotten any land or money from the Government? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remainhere and become citizens of the States and take land. The recordsof the Government show that this agent failed to register and report to the Government the names of many Choctaws who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finaly brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi, and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of wife's your ancestors ever appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, they should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your wife's ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?
A No, sir.
Q Do you know of any old persons living who would likely know whether any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder, seventy one or two years age? A No, sir, I don't know ofany one who would know about that.
Q Do you know of any written evidence, of any kind, which would prove or tend to prove such a state of facts? A No, sir.

Emma J. Tucker, et al., &

Q Have you any written evidence of any kind to offer at this time?
A No, sir.
Q Have you any witnesses here today to testify in your wife's behalf? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time in support of this application? A No, sir.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commissionto the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 26th day of April, 1902, and that the above and foregoing is a full, true and correct translationof his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902

Charles H. Sawyer

Notary Public.

M.C.R. 5433

Muskogee, Indian Territory, December 18, 1902.

Emma J. Tucker,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

Bettie Martin, et al.,	M.C.R. 5257
Missouri Baker, et al.,	M.C.R. 5259
Lizzie Moseley, et al.,	M.C.R. 5258
Emma J. Tucker, et al.,	M.C.R. 5433
Hattie Griffin, et al.,	M.C.R. 5434

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Bettie Martin, Tom Martin, Alberta Martin, Missouri Baker, Maggie Baker,

Green Baker, Lizzie Moseley, Bruce Moseley, Emma J. Tucker, Birdie L. Tucker, William McKinley Tucker, Bettie L. Tucker, Roosevelt Tucker, Hattie Griffin and Eddie Griffin as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.
Acting Chairman.

Registered.

M.C.R. 5433

COPY.

Muskogee, Indian Territory, March 21, 1903.

Emma J. Tucker,

C/o Madison J. Tucker,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 9th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Martin, et al., of which decision you were advised by registered mail on the 18th day of December, 1902.

Respectfully,

Tams Bixby.

Chairman.

2120

No. 5433

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 26 1902

Date

Name: Emma J. Tucker
by her husband Marion J. Tucker

Age 26 Blood 1/8

Post-Office: Yazoo City Miss.

Father: Green Martin L

Mother: Bettie " L

Claims through mother

For wife

Children:

Birdie L. Tucker 10
William McKinley " 6
Bettie L. " 3
Roosevelt " 1

Stenographer R. S. Streit

Choctaw MCR 5434

Hattie Griffin

See MCR 5257

MCR 5434

5934

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 26, 1902.

In the matter of the application of Hattie Griffin for the identification of herself and one minor child, Eddie Griffin, as Mississippi Choctaws, represented by Madison J. Tucker.

Appearances:
S.A.Beadle, Attorney for Applicant.
A.W. Jones, Agent for Applicant.

Madison J. Tucker, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Madison J. Tucker.
Q How old are you? A I am forty.
Q What's your post office address? A Yazoo City.
Q How long have you lived in Yazoo City? A Been there all my life.
Q You have no Choctaw blood? A No, sir.
Q For what purpose do you appear before the Commission at this time?
A For the purpose of making application in behalf of my sister-in-law Hattie Griffin and her minor child.
Q Why does she not appear here in person? A She has a sick child.
Q You present here an affidavit of Doctor C. S. Hudson as to the physical condition of the child of Hattie Griffin, and a power of attorney executed on the 22nd day of April from Hattie Griffin, authorizing Madison J. Tucker to appear before this Commission in her behalf. Is this Hattie Griffin referred to in the affidavit of Doctor Hudson, and who executes the power of attorney, you sister-in-law? A Yes, sir.
Q You are the Madison J. Tucker referred to in that power of attorney? A Yes, sir.
Q Is she a full sister of your wife? A Yes, sir.
Q How old is Hattie Griffin? A About twenty three.
Q How much Choctaw blood has she? A One eighth.
Q What's her post office address? A Yazoo City.
Q Is her father living? A Yes, sir.
Q What's his name? A Green Martin.
Q Is her mother living? A Yes, sir.
Q What's her name? A Bettie Martin.
Q Through which one of her parents does Hattie get her Choctaw blood? A Her mother.
Q Hattie married? A Yes, sir.
Q Her husband living? A Yes, sir.
Q What's his name? A S. S. Griffin.
Q He has no Choctaw blood? A No, sir.
Q How much many children has Hattie Griffin? A One.
Q What's the name of that child? A Eddie.
Q How old? A About a year old.
Q Is he the child of Hattie Griffin and S. S. Griffin? A Yes, sir; I think that's the initial, S.S.Griffin; I am not postive.

Q Has any application of any description ever been made before today for Hattie Griffin or this child for the purpose of establishing their rights as Choctaw Indians? A No, sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for Hattie Griffin and her minor child, Eddie, under the 14th article of the treaty of Dancing Rabbit Creek, do you? A Yes, sir.

By Commission:
Special reference is hereby made to the testimony of Madison J. Tucker given before the Commission on this date in behalf of his wife, Emma J. Tucker, for whom he also appears by power of attorney.

Q Are there any further statements you desire to make at this time in support of this application? A No, sir.
Q Have any witnesses here? A No, sir.
Q Any written evidence of any kind to offer? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 26th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

C. Karen K. Sawyer

Notary Public.

M.C.R. 5434

COPY

Muskogee, Indian Territory, December 18, 1902.

Hattie Griffin,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advided that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

Bettie Martin, et al.,	M.C.R. 5257
Missouri Baker, et al.,	M.C.R. 5259
Lizzie Moseley, et al.,	M.C.R. 5258
Emma J. Tucker, et al.,	M.C.R. 5433
Hattie Griffin, et al.,	M.C.R. 5434

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Bettie Martin, Tom Martin, Alberta Martin, Missouri Baker, Maggie Baker,

Green Baker, Lizzie Moseley, Bruce Moseley, Emma J. Tucker, Birdie L. Tucker, William McKinley Tucker, Bettie L. Tucker, Roosevelt Tucker, Hattie Griffin and Eddie Griffin as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 5434

COPY

Muskogee, Indian Territory, March 21, 1903.

Hattie Griffin,

C/o Madison J. Tucker,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 9th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Martin, et al., of which decision you were advised by registered mail on the 18th day of December, 1902.

Respectfully,

Tams Bixby.

Chairman.

2121

No. 5434

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 26 1902

Date

Name: Hattie Griffin

By Mother & Next Friend by Power of Attorney

Age 23 Blood 1/8

Post-Office, Yazoo City Miss.

Father: Green Martin L

Mother: Hettie L

Claims through mother

Also applies for one child.

Children:

Eddie Griffin

Father S. S. (no. Choc blood) 5 yr. L

R. S. Stone

Choctaw MCR 5435

Amanda Tyra

See MCR 5436

MCR 5436

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Amanda Tyra, et al., for identification as Mississippi Choctaws, consolidating the applications of

Amanda Tyra, et al.,	M. C. R. 8428
Catherine J. Norman, et al.,	M. C. R. 8434

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

	Page.
Original application of Amanda Tyra, et al., for enrollment as citizens by blood of the Choctaw Nation before the Commission at Atoka, Indian Territory, June 8, 1900.	1
Decision of the Commission dated August 30, 1900, refusing the above application.	3
Letter of Commission to Amanda Tyra, transmitting above decision.	4
Return registry receipt.	5
Written request of Amanda Tyra to the Commission to transmit her application to the Secretary of the Interior.	6
Letter of the Commission to Amanda Tyra, granting thirty days in which to submit testimony.	7
Return registry receipt.	9
Affidavit of Amanda Tyra.	10
Affidavit of John Joseph Conners.	11
Affidavit of E. T. Hall.	12

Affidavit of Mary E. Nail. 13

Copy of letter from the Commission to Amanda Tyra relating to the further extention of time in which to submit testimony. 14

Return registry receipt. 16

Original application of Amanda Tyra, et al., before the Commission, April 30, 1902, for identification as Mississippi Choctaws. 17

Original application of Catherine J. Norman, et al., before the Commission, June 8, 1900, for enrollment as citizens by blood of the Choctaw Nation. 25

Decision of the Commission refusing the above application. 27

Letter of Commission to Catherine J. Norman, transmitting above decision. 28

Return registry receipt. 29

Notice of Catherine J. Norman to the Commission requesting that her application be forwarded to the Secretary of the Interior. 30

Letter of the Commission to Catherine J. Norman, granting thirty days in which to file additional testimony. 31

Return registry receipt. 33

Affidavit of Catherine J. Norman. 34

Affidavit of John Joseph Conners. 35

Joint affidavit of E. T. Nail and Mary E. Nail. 36

Copy of letter of Commission to Catherine J. Norman, relating to a further extention of time in which to submit testimony. 37

Return registry receipt. 39

Original application of Catherine J. Norman, et al., before the Commission, April 30, 1902, for identification as Mississippi Choctaws. 40

Testimony of E. T. Nail. 45

Testimony of Mary Elizabeth Nail. 46

Re-examination of Catherine J. Herman. 47

Decision of the Commission in the consolidated application of Amanda Tyra, et al., for identification as Mississippi Choctaws, refusing such application. 48

R.559

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Amanda Tyra for enrollment of herself and her five minor children as citizens by blood of the Choctaw Nation.

The applicant, Amanda Tyra, appeared before the Commission at Atoka, Indian Territory, June 8th, 1900, and from her oral testimony given at that time on behalf of her claim for enrollment of herself and her minor children, Chook N., Emanuel, Jesse, Fannie F. and Simon Peter Tyra, as citizens by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

The application for enrollment as citizens by blood of the Choctaw Nation of Amanda Tyra and her minor children, Chook N., Emanuel, Jesse, Fannie F. and Simon Peter Tyra, is therefore hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, August 30th, 1900.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Ateka, Ind. Ter., June 8, 1900.

In the Matter of the Application of :
Amanda Tyra et al, for enrollment as :
citizens of the Choctaw Nation. : 2539
:

Amanda Tyra being first duly sworn, by Acting Chairman Bixby, testified as follows:

Q What is your name? A Amanda Tyra.
Q How old are you? A 43 years.
Q What is your post office address? A Johnsonville, I. T.
QHow long have you livedin Johnsonville? A Three years.
Q Have you been living there continuously for the past 3 years?
A Yes sir.
Q Have you been outside of the Ind. Ter? during that time? A No
Q Where were you born? Harrison Co. Ga.
Q What is the name of your father? A Wilburn Thomas.
Q Is he living? A No sir.
Q Is he an Indian? A Yes sir.
Q Was he a Choctaw Indian? A Yes sir.
Q Has his name ever appeared on the rolls of the Choctaw nation?
A Not that I know of.
Q How much Choctaw was he? A 1/4.
Q What is the name of your mother? A Mary Emeline.
Q Is she living? A No sir.
Q Was she an Indian? A No sir.
Q She was a citizen of the U. S.? A Yes sir.
Q Do you know what county in the Choctaw Nation your father claimed to belong to? A Wolf Co. I believe.
Q What county in the Choctaw Nation do you claim to belong to?
A I don;t know what part I ought to claim; I am living in Pontotoc.
Q Is that in the Choctaw Nation? A No, I wan't claiming the Choctaw Nation; I claim in the Chickasaw.
Q You stated you claimed to be a Choctaw Indian by blood? Is that what you claim? A Yes sir.
Q What rolls would the Choctaws put you on if you were a Chickasaw Indian and recognized by the Choctaws? A Well, I don't know.
Q Have you ever been enrolled by the Choctaw tribal authorities?
A No sir.
Q Did you ever apply to the Choctaw tribal authorities as a Choctaw Indian by blood? A No sir.
Q Did you apply to the Dawes Commission in '96? A No sir.
Q Is this the first application you have ever made? A Yes sir.
Q What proportion of Choctaw Indian blood do you claim to have in your veins? A 1/8.
Q Are you married? A Yes sir.
Q Are you claiming any Indian rights for your husband? A None at all
Q Have you any children? A Yes sir.
Q Unmarried, and under 21 years? A I a'int got none that's married I know of.
Q Are they unmarried and under 21 years? A Yes sir.
Q What is the name of your husband? A Emanuel Tyre.
Q Is he living? A Yes sir.
Q Please give thenames of your children and their ages?
A Chee-Nerthka, 19 years, Emanuel 17, Jesse 15, Fanny F. 14
10 years.
Q Are these children all living with you? A Yes, all '
est boy went off here about 6 or 8 months ago; he i
Choctaw, right at the line.

B-Amanda Trye.

Q They are all in the Ind. Ter., are they? A Yes sir.
Q Is there any additional statement in regard to your case, or the c case of your children that you would like to make at this time? A I don't know as there is.
Q You will be permitted to file any statements, affidavits or orther proper papers which you may desire to present. This testimony and su such papers asmuch you may be pleased to leave with the Commission will be forwarded to the Hon. Secy. of the Interior for his examination when the rolls of the citizens of the Choctaw Nation are sent to him for his final approval.
A There is another word or two I have forgotten and that is about my brother and my sister being on the rolls. John Thomas and Mary E. Nail and her family, and we are all own brothers and sisters.
Q The same father and same mother? A Yes sir.
Q Have John Thomas and Mary E. Nail been recognized by the Choctaw tribal authorities, or were they admitted by the U. S. Court?
A They are on the roll I suppose; they was put on by order of the Court.

Your enrollment and the enrollment of your children is refused for the reason that their names do not appear on the rolls of the Choctaw Nation now in the possession of his Commission, and for the further reasnn that it does not appear hat either you or your children have ever been recognized by the properly constituted tribal authorities of the Choctaw Nation, or that either you or your children were admitted by the Commission to the Five Civilized Tribes acting under the law of June 10, 1898, or by a judgment of the U.S. Court for the Indian Ty.

Frances R. Brown, being first duly worn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing transcript is a full, true and complete transcript of all the testimony as given by said witness.

Frances R. Brown

Subscribed in my presence and sworn to before me this 14th day of June, A. D., 1900.

Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 30, 1902.

#5435. --------oOo--------

In the matter of the application of Amanda Tyra for the identification of herself and her four minor children, Emanuel W., Jesse, Fannie F. and Simon Peter Tyra, as Mississippi Choctaws.

Applicants represented by L. P. Hudson, attorney.

Amanda Tyra, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Amanda Tyra.
Q What is your post office address? A Johnson?
Q Indian Territory? A Yes sir.
Q What is your age? A Forty-four. I will be forty-five the 26th day of July, coming.
Q How long have you lived there at Johnson? A Been be five years; been living there four years ever since the 16th of last September.
Q Where did you live before that? A Arkansas, and part of the time in the Choctaw.
Q Where were you born? A Georgia.
Q Where in Georgia? A Harrison County.
Q And you lived in Georgia how long? A I don't remember how old I was when I left there.
Q Where did you go to from Georgia? A Went from Georgia to Iowa.
Q How long did you live in Iowa? A Three years.
Q Where did you live there? A I forget the county's name again.
Q From Iowa you went where? A To Missouri.
Q And from Missouri where? A To Texas.
Q And from Texas where? A To Choctaw, next.
Q And then to Arkansas? A Yes sir.
Q And back to the Indian Territory? A Yes sir.
Q And you have lived in the Indian Territory how long?
A I have been living in the Chickasaw four years coming on five, and part of the time living in Arkansas; I lived in the Choctaw a while.
Q The last time that you lived in any place was the Chickasaw Nation? A Yes sir, I have lived there four years going on five.

Q Is your father living? A No sir.
Q Mother living? A No sir.
Q What was your father's name? A William Wilburn Thomas.
Q Well, William Thomas you gave his name when you made application June 8, 1900? A Yes sir.
Q You made application then didn't you? A Yes sir, I made application at Atoka.
Q You gave the name of William Thomas then didn't you?
A I don't know whether I did or not.
Q Give me the name now? A William Wilburn Thomas.
Q What was your mother's name? A Mary Emeline.
Q Now you gave her name as Emeline before; you left the Mary out; it is Mary Emeline is it? A Yes sir.
Q Through which one of your parents do you claim Choctaw blood?
A Which?
Q Through which parent do you claim Choctaw blood? A Mississippi Choctaw, I guess.
Q Through which parent do you claim? Father or mother?
A Oh, father; I didn't understand you.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A He never was enrolled, but he was recognized as Choctaw.
Q By the neighbors? A Yes sir.
Q Do you know when and where he was married to your mother?
A He was married in Georgia.
Q What place? A I forgot the county's name again; same county you have put down there before.
Q Have you got the proof of the marriage of your father and mother with you now? A No sir, I don't think I have.
Q Do you think you could introduce it later if given time? Could you get it to the Commission? A I don't know that I could.

Reasonable time will be allowed this applicant to prove the marriage of her father and mother if she desires.

Q Are you married? A Yes sir, have been.
Q Have you any minor children you want to make application for, under twenty-one and unmarried? A Yes sir, they are all under twenty-one.
Q What is your husband's name? A Emanuel Tyra.
Q Is he living? A Yes sir, was the last account I heard of him.
Q White man or Choctaw? A Part Choctaw---one-eighth.
Q Do you make any claim for him? A No sir, none at all.
Q Has he ever been before the Commission? A No sir, not that I know of.
Q You have no lawyer have you? A I did have one, but he aint never done nothing.
Q You haven't any now? A No sir.
Q How many children have you under twenty-one and unmarried?
A Got four.
Q What is the name of the eldest? A Manuel Winfield.
Q How about Check N.? A He's dead.

Q The next is Emanuel? A Yes sir.
Q Emanuel what? A Emanuel W. Tyra.
Q How old is he? A He's going on nineteen ever since the 8th day of last January.
Q What is the name of the next? A Jesse.
Q Is that a boy? A Yes sir.
Q How old is Jesse? A Seventeen going on eighteen.
Q The next? A Fannie F.
Q How old is she? A She was sixteen the 27th of this month.
Q The next? A Simon Peter.
Q How old? A He was fourteen the first day of March.
Q Is that all? A Yes sir, that's all I got that's living.
Q Is Emanuel Tyra the father of these children? A Yes sir.
Q And you are the mother and they are living with you at your home? A Yes sir.
Q And you and your husband live together as husband and wife?
A No sir, been a widow woman now going on six years.
Q Is he dead? A No sir.
Q How could you be a widow woman if your husband is living?
A Well, I call myself a widow.
Q You can not be a widow unless your husband is dead?
A Well, I am a grass-widow I reckon.
Q Did you ever get a divorce from him? A No sir.
Q So that you are still married to him? A Still married to him.
Q Although you are not living with him? A No sir.
Q You are supporting these children at your home? A Yes sir.
Q Were you legally married to him by a minister under a license?
A Yes sir.
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
A I can not understand you.
Q Is your name on any of the rolls of Choctaw Indians in the Indian Territory? A No sir.
Q Now listen carefully to the questions so that you will not be answering them until you understand them. Did you ever make application for citizenship in the Choctaw Nation for yourself and your children to the Choctaw tribal authorities? (I don't mean the Dawes Commission) A No sir.
Q You never went to the Choctaw tribal authorities? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896---that is, in 1896 did you go before them; this is 1900. Did you go before them in '96, four years before that? A No, I didn't go four years before that. I never been but once and that was June last a year ago.
Q Then you have been before the Dawes Commission for the enrollment of yourself and children as Choctaws by blood on the 8th day of June, 1900---June 8, 1900? A Yes sir.
Q What was done with your case at that time---what did they do with it? A They didn't do much of anything with it.
Q Did they refuse your application? A Yes, we was rejected.
Q And you got notice of that fact did you? A Yes sir.

Q The reason why you come here to-day to make application to be identified as a Mississippi Choctaw is because you appeared before the Commission in 1900 and was rejected isn't it?
A Yes sir.
Q Now do you want to have the record made by you in that case--- do you want to have all these made a part of the application you make to-day, so that you can get the benefit of what you have testified to? A Yes sir, of course I will.

The application made by Amanda Tyra on June 8, 1900, being No. Choctaw R 539, which application was rejected by the Commission, is here referred to, and the request is made by her that the evidence taken in that case might be considered as a part of the evidence in this application.

Q Neither you or your children have ever been admitted to citizenship in the Choctaw Nation by any authority whatever have you?
A No sir.
Q Do you now come before the Commission for the purpose of identifying yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? Do you understand it? A No sir, I don't know that I do exactly.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September in the year 1830. The object of that treaty was to remove, as far as practicable, all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before it could be signed it became known that a good many Choctaw Indians, estimated from between six and seven thousand Indians, would refuse to go to the Choctaw Nation, Indian Territory. In order to protect the interests of those Indians who elected to remain in the old Choctaw Nation, article fourteen was drafted and put into the treaty. The treaty was then signed and on the 24th day of February of the year following it was ratified. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification

of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citi zen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Do you understand that well enough to claim under it?
A Yes sir.
Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A No sir, not that I knew of.
Q What is the name of your ancestor through whom you claim your Mississippi Choctaw blood? A Why it was my father and grandfather and great-grandfather.
Q Did your grandfather live in the state of Mississippi or Alabama? A He lived in------
Q Or was it your great-grandfather? A My grandfather lived in Mississippi as well as I recollect.
Q Did he have a family of children living there in 1830?
A I can not tell you.
Q Did your great-grandfather? A I can not tell you.
Q What is your grandfather's name? A Granser Thomas.
Q That's your grandfather? A Yes sir.
Q Now, what is your great-grandfather's name? A Well, I don't remember.
Q Now do you say that Granser Thomas lived in Mississippi?
A As well as I remember; I think they said he lived there.
Q And had a family there? A Well, I guess he had; I don't know. Don't remember what sort of a family he had, only what folks told me.
Q Did they tell you he lived there in 1830?A I don't remember.
Q Do you know whether he or any Choctaw ancestor of yours lived in the old Choctaw Nation in Mississippi or Alabama in 1830, and was the head of a family there then? A I don't understand you.
Q Did anybody ever tell you that your grandfather, Granser Thomas, or any other of your kin that you are descended from, ever lived in Mississippi or Alabama in 1830 and had a family of children there then, or, in other words, was the head of a family there then? A Yes sir, there was.
Q Give me the name of the one who lived there and was head of a family there in 1830? A Granser Thomas.
Q You have heard that in your family? A Yes sir.
Q And heard that he had children there then? A Yes sir.
Q How much Choctaw blood did he have? A He was a half breed.
Q Was the other half white blood? A I declare I caint tell you, for I don't know.
Q How old would he be if living now, do you know? A No sir, I cant tell you that.
Q Was this your father's father? A Yes sir.
Q Your father was William W. Thomas; where was he born? A Borned in Alabama.
Q And from Alabama he went where? A From Alabama he went to

Mississippi.

Q And lived how long in Mississippi? A Well, he lived there until he was about sixteen or seventeen years old.
Q And then he went where? A He went to Georgia.
Q And then he went where? A From Georgia to Iowa.
Q And then where? A From Iowa to Missouri.
Q From Missouri he went where? A To Texas.
Q And then where? A He went to the Choctaw Nation.
Q Did he die there? A He did.
Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi or Alabama in 1830? A I don't remember that they did.
Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell gim they wanted to stay in Mississippi, take land there and become citizens of the states?
A Not that I remember.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40, do you know? A I don't know.
Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir, not that I know of.

The Choctaw Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified, refusing to go to the Indian Territory, under the treaty, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent ,Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register, and his neglect to register these people under that article caused a good many Indians who had land in the old Choctaw Nation to lose both land and improvements, for both were taken from them by the government and sold. This caused a great many complaints so that in 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress, which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, another Commission was appointed by Congress, under an act approved August 23rd of that year, and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians under article fourteen of that treaty? A Not that I remember of.
Q Did any of them receive any scrip from the government of the United States, which scrip entitled them to select land either in Mississippi, Alabama, Louisiana, or Arkansas, to take the place of land which had been taken from them in the old Choctaw Nation and sold? A Not that I remember.

This scrip, or certificate as it would be called now, was issued to them under the act of Congress approved August 23, 1842.

Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A Sir?
Q Have you any kinfolks that have been before the Commission--before the Dawes Commission--to be identified as Mississippi Choctaws? Have you had any come here as Mississippi Choctaws before to-day? Any kinfolks? A I have had a brother and a sister.
Q They have been before the Commission? A They was before the Commission three years ago.
Q Not as Mississippi Choctaws? A No, Choctaws by blood.
Q Now give me the names of these relatives; what is your brother's name? A They're already proved up and enrolled too.
Q I just want their names? A Well, my brother was John Thomas.
Q Has he been admitted? A He's dead now; but he was enrolled, but he died after he was enrolled.
Q Is there any others? A Yes, Mary E. Nail.
Q Who else? Any others? A No sir.
Q What was done with Mary E. Nail's application? A Why, she just worked through all right and was enrolled.
Q Did she go to the Court? A I declare I don't remember.
Q Who is Catherine J. Norman? A That's my sister; there is just four of us children.
Q That's your sister is it? A Yes sir, we are all three sisters and that boy is our brother.
Q Catherine J. Norman is your sister, and this other one is your sister Nail, and yourself? A Yes sir.
Q And your brother who has died? A Yes sir.
Q Catherine J. Norman was not made a citizen? A No sir, we are working together; my brother and other sister worked together.
Q Have you any other evidence or witnesses you want to present now? Have you any evidence or papers you want to present?
A I have got them papers that I brought in here yesterday.
Q Where are they; you have nothing? A No sir.
Q Do you want a little time in which to get your case ready?
A Yes sir, I guess so.

Reasonable time will be allowed this applicant in which to introduce further testimony in support of this case.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, her complexion is medium dark, brown eyes, brown hair, she doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Amanda Tyra et al.,--8.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 30th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 3rd day of May, 1902.

Notary Public.

4 A.L.
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Amanda Tyra, et al., for identification as Mississippi Choctaws, consolidating the applications of

Amanda Tyra, et al., M C R 5433
Catherine J. Norman, et al., M C R 5434

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Amanda Tyra for herself and her four minor children, Emanuel W., Jesse, Fannie F. and Simon Peter Tyra; and by Catherine J. Norman for herself and her two minor children, Wilburn H. and Joel H. Norman, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and sixty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Granser Thomas, who is alleged to have been an one half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Granser Thomas, or an ancester less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Tyra, Emanuel W. Tyra, Jesse Tyra, Fannie F. Tyra, Simon Peter Tyra, Catherine J. Norman, Wilburn H. Norman and Joel R. Norman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Tams Bixby.
Acting Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

DEC 11 1902

Muskogee Indian Territory, October 3, 1900.

Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 1st instant, enclosing written requests of Amanda Tyra and Catherine J. Norman to have the records in the matter of their applications for enrollment as citizens by blood of the Choctaw Nation, forwarded to the Secretary of the Interior for his consideration.

The same have been filed with the other papers in these cases and the records made will be forwarded to the Secretary of the Interior for his consideration when the final rolls of citizens of the Choctaw Nation are sent to him for approval.

Also enclosing written requests of William C. Self and Berge Duke to have the records in the matter of their applications for identification as Mississippi Choctaws forwarded to the Secretary of the Interior for his consideration.

The same have been filed with the papers in these cases and the records will be forwarded to the Secretary of the Interior together with the report of the Commission on the identification of Mississippi Choctaws as provided in the act of June 28th, 1898.

Yours truly,

Acting Chairman.

7-R-538
7-R-539
M. C. R- 38
M. C. R-353

Choctaw R-839.

Muskogee, Indian Territory, March 10, 1902.

In the matter of the apllication of)
Amanda Tyra, for the enrollment of)
herself and her minor children,)
Choc-Northka Tyra, Emanuel Tyra,)
Jesse Tyra, Fanny F. Tyra and)
Simon P. Tyra, as citizens by blood)
of the Choctaw Nation.)

Amanda Tyra,

Johnsonville, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that yourself and your children are entitled to be identified as Mississippi Choctaws, under the act of Congress of June 28, 1898, which provides as follows:

> " Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by two corroborating witnesses, and must set forth the fact that you

A. T. 2

and your children are descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw Nation.

T. B. Needles.

Commissioner in Charge.

Register.

File

M.C.R. 5435.

COPY

Muskogee, Indian Territory, December 1, 1902.

Amanda Tyra,

Johnson, Indian Territory.

Dear Madam:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Tyra, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda Tyra, et al.,	M.C.R. 5435
Catherine J. Norman, et al.,	M.C.R. 5436

These applications were made under the provision of the act of Congress of June 28,1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda

Tyra, Emanuel W. Tyra, Jesse Tyra, Fannie F. Tyra, Simon Peter Tyra, Catherine J. Norman, Wilburn H. Norman, and Joel H. Norman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby

Acting Chairman.

Registered.

COPY.

M.C.R. 5435

Muskogee, Indian Territory, December 1, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Tyra, et al., embracing the following applications foridentification as Mississippi Choctaws:

Amanda Tyra, et al.,	M.C.R. 5435
Catherine J. Norman, et al.,	M.C.R. 5436

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Tyra, Emanuel W. Tyra, Jesse Tyra, Fannie F. Tyra, Simon Peter Tyra, Catherine J. Norman, Wilburn H. Norman and Joel R. Norman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

SIGNED

Respectfully,

Tams Bixby

Acting Chairman.

Muskogee, Indian Territory, December 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Amanda Tyra, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 1, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Amanda Tyra, et al.,	M. C. R. 5435
Catherine J. Norman, et al.,	M. C. R. 5436

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M. C. R. 5435.

COPY.

Land. 75,267-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Washington, Feb. 13, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Amanda Tyra for herself and her four minor children, Emanuel W., Jesse, Fannie F. and Simon Peter Tyra; andCatherine J. Norman for herself and her two minor children, Wilburn H. and Joel R. Norman, wherein a decision adverse to the applicants was rendered by the Commission on December 1, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application on their descent from Granser Thomas, who, it is alleged, was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty in 1830.

The Commission rejected the applicants because the name of the ancestor through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the

14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves has never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Crawser Thomas, and it is discovered that the name does not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of said treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicant s was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(E.B.H.)

P.

COPY.

D. C. No. 5932-1903.
ITD.1690-1903.
L. R. S.

J.W.H.
FHE

DEPARTMENT OF THE INTERIOR.

Washington.

February 28, 1903.

Commission to the Five CivilizedTribes,

Muskogee, Indian Territory.

Gentlemen:

December 17, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Amanda Tyra (M.C.R. 5435), for herself and her four minor children, Emanuel W., Jesse, Fannie F. and Simon Peter Tyra; and of Catherine J. Norman for herself and her two minor children, Wilburn H. and Joel R. Norman, including your decision of December 1, 1902, refusing to identify them as such.

These applicants are the descendants in the first, second and third degrees of Grandsar (or Granser) Thomas, a 3/4 or full blood Choctaw, from whom they trace their descent through his son William Wilburn Thomas. They are the sisters of Mary Elizabeth Nail, who was admitted to Choctaw citizenship by the United States Court at Ardmore, Indian Territory.

The testimony as furnished by the record fails to show that these applicants or any of their alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

It further appears that the records of the Government in your possession, as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter February 13, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 5435.

COPY

Muskogee, Indian Territory, March 12, 1903.

Amanda Tyra,

Johnson, Indian Territory.

Dear Madam:

You are herby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda Tyra, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

Chairman.

COPY. M.C.R. 5435.

Muskogee, Indian Territory, March 12, 1903.

Mansfield, McMurray & Cornish,

Atterneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda Tyra, et al., of which decision you were advised by mail on the 1st day of December, 1902.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

MEMORANDA.

(Date) June 8 1900

43 Name Amanda Tyra

Choctaw ? Yes County Year No.

Chickasaw ? County Year Page

Citizen by blood ? 1/8 Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name,

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

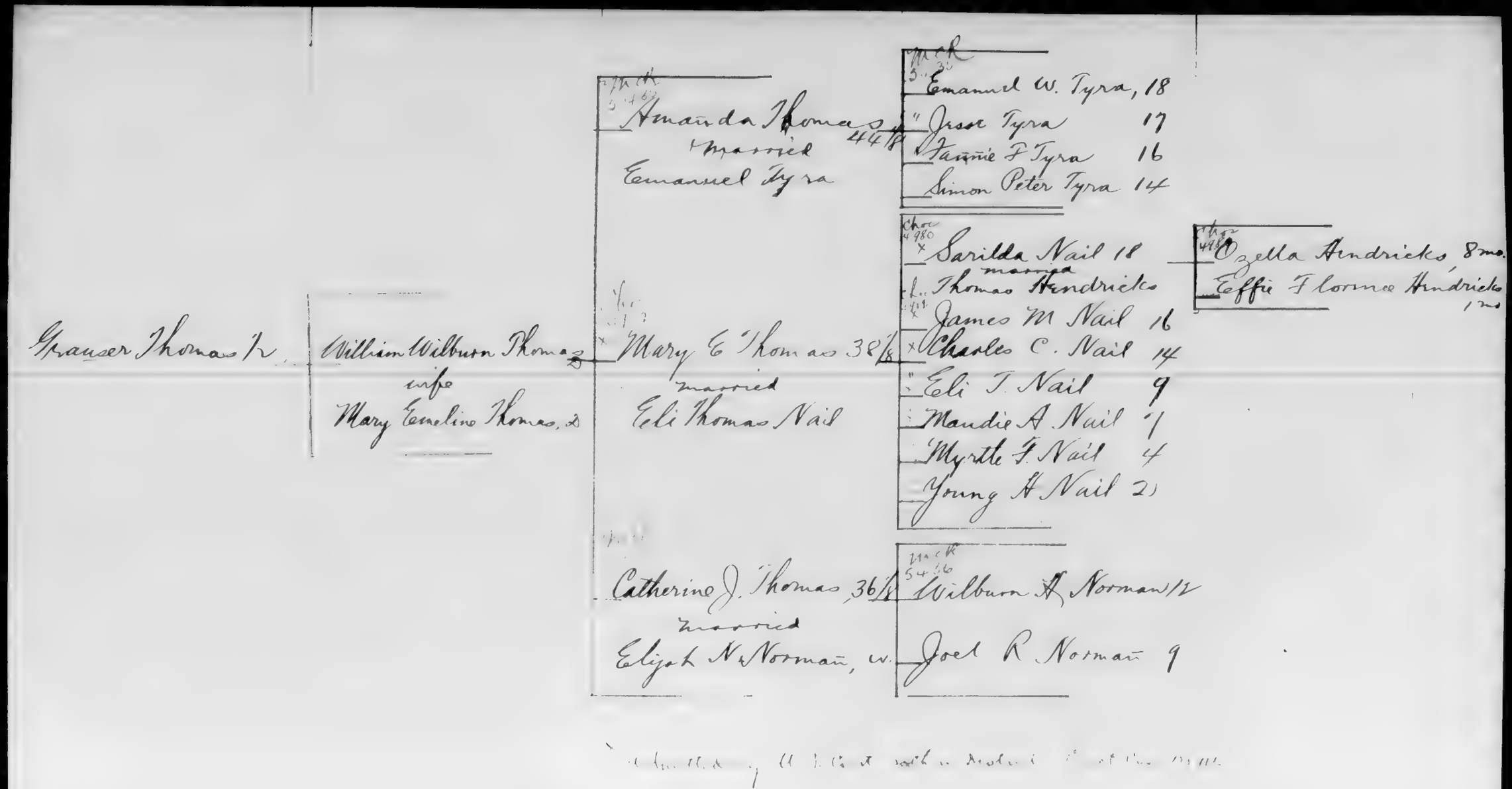
Names of children:

19 Mock Montana	County Tyra	Year	Page	No.
17 Emanuel	County	Year	Page	No.
15 Jesse F	County	Year	Page	No.
14 Emma F	County	Year	Page	No.
10 Simon Peter	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

Refused P.O. Fortmorrow Ind Ty
Father Wilburn Thomas
Mother Mary E. "

REFER TO M. C. R. 5435

Amanda Igou [illegible]


Granser Thomas Jr.
William Wilburn Thomas
wife
Mary Emeline Thomas, d
Amanda Thomas
married
Emanuel Tyra
Mary E. Thomas 38
married
Eli Thomas Nail
Catherine J. Thomas, 36
married
Elijah N. Norman, w.
Emanuel W. Tyra, 18
" Jesse Tyra 17
Fannie F Tyra 16
Simon Peter Tyra 14
Sarilda Nail 18
married
Thomas Hendricks
James M Nail 16
Charles C. Nail 14
" Eli T. Nail 9
Maudie A. Nail 7
Myrtle F. Nail 4
Young A Nail 2
Wilburn A. Norman 12
Joel R Norman 9
Ozella Hendricks 8mo.
Effie Florence Hendricks 1mo

CASE NO. 539--Chec. R.-

Name of one of children in testimony is given as :
"Chock-Northka Tyra.
In jugdment it is written:
"Chock. N." Tyra.

R. C. G. Oct., 13, 1900.

No. 5435

For Identification as a Mississippi Choctaw.

Date APR 30 1902

Name Amanda Tyra.

Age 44 — Blood 48

Post-Office. Johnson. I.T. ——

Father: William W. Thomas. d

Mother: Mary E. " d

Claims through husband — father

Emanuel Tyra. l. chor '8

No claim for husband

Children:

Emanuel W. Tyra. 19

Jesse " 17

Fannie F. " 16

Simon Peter " 14

Claims for self and children —

Stenographer A. G. McMillan

Register to Amanda Tyra,

[illegible], I. T.

and return receipt to Choctaw Nation

Choctaw MCR 5436

Catherine J. Norman

See MCR 5435

MCR 5436

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, Ind. ter., June 8, 1900.

In the Matter of the Application of :
Catherine J. Norman for Enrollment as:
a Citizen of the Choctaw Nation. :
---:

Catherine J. Norman, being first duly sworn by Acting Chairman T Bixby, testified as follows:

Q What is your name? A Catherine J. Norman.
Q What is your age? A 34 years.
Q What is your postoffice address? A Johnsonville, I. T.
Q Do you live at Johnsonville? A I live 4 miles east.
Q What is the name of your father? A Wilburn Thomas.
Q Is he living? A No sir.
Q Was he a citizen of the United States when alive? A No, he was Choctaw.
Q Was his name on the Choctaw rolls? A Not that I know of.
Q Had he ever been recognized by the Choctaw tribal authorities?
A No, only just through the neighbors; claimed as Choctaw.
Q What is the name of your mother? A Emeline Thomas.
Q Isshe living? A No sir.
Q Was she a citizen of the United States? A Yes sir.
Q To what county in the Choctaw Nationdo you claim to belong?
A I don't know; I live in Eagle Co.?
Q You don't know in what county you was enrolled? A I wasn't enrolled
Q Did you ever make applicai on to the Choctaw tribal authorities for enrollment as a Choctaw by blood? A No sir.
Q Did you aplly to the Dawes Commission in '96? A No sir.
Q Is this the first application you have ever made? A Yes sir.
Q What poportion of Choctw blood do you claim to have? A 1/8.
Q Are you married? A Yes sir.
Q Are you claiming any rights for your husband? A No sir.
Q Have you any children? A Yes sir.
Q Are you claiming any rights for them? A Yes sir.
Q What is the name of your husband? A E. N. Norman.
Q How long have you livedin te Ind. Ter.? A 13 years.
Q Have you been living in the Ty. all that 13 years? A Yes, except I was out about 4 months
Q When was that? A Four years ago.
Q The last 3 years you have been here continuously? A Yes sir.
Q Have you a permanent home in the Ty.? A Yes sir.
Q What are the names of your children under 21 years of age and unmarried? A Wilburn H. 10 years, and Joel Richard, 7 years.
Q Are there any other statements in re ard to your case that you wish to make at this time? A I don't know; I want to put in other applications if it is necessary, and I have a sister, Mary E. Nail, and her family, and a brother, John Thomas, is on the roll.
Q On the Choctaw roll? A Yes sir.
Q If there are any additional statements, affidavits or other proper papers you wish to present you will be permitted to do so. Your testimony and such papers as you may be pleased to present, will be forwarded to the Hon. Secy. of the Interior when the rolls of the citizens of the Choctaw Nation are sent to him for his examination and final approval.

The enrollment of yourself and children is refused for the reason that your names do not appear on the rolls of the Choctaw Nation now in the possession of this Commission, and for the fur her reason that it does not appear that you and your children have ever

been recognized by the properly constituted authorities as citizens of the Choctaw Nation by blood, and for the additional reason that it does not appear that you were admitted by the Commission to the Five Civilized tribes as a citizen of the Choctaw Nation under the Act of June 10, 1896, or by a judgment of the U.S. Court for the Indian Ter.?

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing testimony is a true and complete transcript of her shorthand notes taken in said case.

Frances R. Brown

Subscribex in my presence and sworn to before me this 14th day of June, A. D., 1900.

Acting Chairman.

been recognized by the properly constituted authorities as citizens of the Choctaw Nation by blood, and for the additional reason that it does not appear that you were admitted by the Commission to the Five Civilized tribes as a citizen of the Choctaw Nation under the Act of June 10, 1896, or by a judgment of the U.S. Court for the Indian Ter.?

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing testimony is a true and complete transcript of her shorthand notes taken in said case.

Frances R. Brown

Subscribed in my presence and sworn to before me this 14th day of June, A. D., 1900.

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Ind. Ter., June 8, 1900.

In the Matter of the Application of :
Amanda Tyra et al, for enrollment as :
citizens of the Choctaw Nation. :

2539

Amanda Tyra being first duly sworn, by Acting Chairman Bixby, testified as follows:

Q What is your name? A Amanda Tyra.
Q How old are you? A 43 years.
Q What is your post office address? A Johnsonville, I. T.
QHow long have you livedin Johnsonville? A Three years.
Q Have you been living there continuously for the past 3 years?
A Yes sir.
Q Have you been outside of the Ind. Ter? during that time? A No
Q Where were you born? Harrison Co. Ga.
Q What is the name of your father? A Wilburn Thomas.
Q Is he living? A No sir.
Q Is he an Indian? A Yes sir.
Q Was he a Choctaw Indian? A Yes sir.
Q Has his name ever appeared on the rolls of the Choctaw nation?
A Not that I know of.
Q How much Choctaw was he? A 1/4.
Q What is the name of your mother? A Mary Emeline.
Q Is she living? A No sir.
Q Was she an Indian? A No sir.
Q She was a citizen of the U. S.? A Yes sir.
Q Do you know what county in the Choctaw Nation your father claimed to belong to? A Wolf Co. I believe.
Q What county in the Choctaw Nation do you claim to belong to?
A I don;t know what part I ought to claim; I am living in Pontotoc.
Q Is that in the Choctaw Nation? A No, I wan't claiming the Choctaw Nation; I claim in the Chickasaw.
Q You stated you claimed to be a Choctaw Indian by blood? Is that what you claim? A Yes sir.
Q What rolls would the Choctaws put you on if you were a Chickasaw Indian and recognized by the Choctaws? A Well, I don't know.
Q Have you ever been enrolled by the Choctaw tribal authorities?
A No sir.
Q Did you ever apply to the Choctaw tribal authorities as a Choctaw Indian by blood? A No sir.
Q Did you apply to the Dawes Commission in '96? A No sir.
Q Is this the first application you have ever made? A Yes sir.
Q What proportion of Choctaw Indian blood do you claim to have in your veins? A 1/8.
Q Are you married? A Yes sir.
Q Are you claiming any Indian rights for your husband? A None at all
Q Have you any children? A Yes sir.
Q Unmarried, and under 21 years? A I a'int got none that's married I know of.
Q Are they unmarried and under 21 years? A Yes sir.
Q What is the name of your husband? A Emanuel Tyre.
Q Is he living? A Yes sir.
Q Please give thenames of your children and their ages?
A Chee-Nerthka, 19 years, Emanuel 17, Jesse 15, Fanny F. 14, Simon P. 10 years.
Q Are these children all living with you? A Yes, all but one; my oldest boy went off here about 6 or 8 months ago; he is down in the Choctaw, right at the line.

2-Amanda Trye.

Q They are all in the Ind. Ter., are they? A Yes sir.
Q Is there any additional statement in regard to your case, or the c case of your children that you would like to make at this time? A I don't know as there is.
Q You will be permitted to file any statements, affidavits or orther proper ppers which you may desire to present. This testimony and sh sush papers aaaaah you may be pleased to leave with the Commission will be forwarded to the Hon. Secy. of the Interior for his examination when the rolls of the citizens of the Choctaw Nation are sent to him for his final approval.
A There is another word or two I have forgotten and that is about my brother and my sister being on the rolls. John Thomas and Mary E. Nail and her family, and we are all own brothers and sisters.
Q The same father and same mother? A Yes sir.
Q Have John Thomas and Mary E. Nail been recognized by the Choctaw tribal authorities, or were they admitted by the U. S. Court?
A They are on the roll I suppose; they was put on by order of the Court.

Your enrollment and the enrollment of your children is refused for the reason that their names do not ap par on the rolls of the Choctaw Nation now in the possession of his Commission, and for the further reasnn that it does not appear hat either you or your children have ever been recognized by the properly constituted tribal authorities of the Choctaw Nation, or that either you or your children were admitted by the Commission to the Five Civilized Tribes acting under the law of June 10, 1898, or by a judgment of the U.S. Court for the Indian Ty.

Frances R. Brown, being first duly worn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing transcript is a full, true and complete transcript of all the testimony as given by said witness.

Frances R. Brown

Subscribed in my presence and sworn to before me this 14th day of June, A. D., 1900.

Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 30, 1902.

#5436. --------oOo--------

In the matter of the application of Catherine J. Norman for the identification of herself and her two minor children, Wilburn H. Norman and Joel R. Norman, as Mississippi Choctaws.

Applicants represented by L. P. Hudson, attorney.

Catherine J. Norman, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Catherine J. Norman.
Q What is your age? A Thirty-six.
Q What is your post office address? A Johnson.
Q Johnson, Indian Territory? A Yes sir.
Q How long have you lived in Johnson? A I have been there right close to five years.
Q Where did you live before that? A Choctaw Nation.
Q How long have you lived in the Indian Territory? A Fifteen years.
Q Where were you born? A Born in Lee County, Iowa.
Q And from Iowa you went where? A To Missouri.
Q And from Missouri where? A To Texas.
Q And then where? A To Choctaw Nation.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A William W. Thomas.
Q What was your mother's name? A Mary E. Thomas.
Q You claim through your father or mother? A Father.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A If he was ever enrolled I never knew it; but he was recognized amongst the Choctaws.
Q But not in any official way by the Choctaw Nation?
A No sir, not that I know of.
Q Have you the proof of the marriage of your father andmother with you? A No sir, I reckon that was burned up when my father's house was burned.
Q Do you think you could prove this later? A That their house was burned?
Q That they were legally married? A I don't know.

Reasonable time will be allowed this applicant to prove the marriage of her father and mother.

Q Are you married? A Am I married? Yes sir.
Q Your husband's name is what? A Elijah N. Norman.
Q Living? A Yes sir, was when I left home.
Q Choctaw Indian or white man? A Why, he passes for a white man.
Q You don't make any claim for him? A No sir.
Q Now give the name of the eldest child? A Wilburn H. Norman.
Q How old is he? A Twelve years old.
Q The next? A Joel R. Norman.
Q How old? A Nine years old.
Q The next? Is that all? A Yes sir, that's all.
Q Are you and your husband living together as husband and wife?
A Yes sir.
Q And you and he and these children are all living with you at your home? A Yes sir.
Q He's the father of these two children? A Yes sir.
Q Is your name or the name of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A None that I know of only my sister and brother.
Q What is your sister's name? A Mary Elizabeth Nail.
Q And your brother's name was what? A John Thomas.
Q He's now dead? A Yes sir, I suppose so.
Q Do you know it? A Well, I just only get it stated in the papers. He was not at hom e when he died.
Q Well, you know as a matter of family knowledge that your brother is dead? A Yes sir, but I didn't see him die.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No sir, not only at Atoka to the Dawes Commission.
Q Well I am talking about the Choctaw tribal authorities?
A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission in 1896, under the act of Congress approved June 10th of that year?
A No sir.
Q Have you ever made application for enrollment as Choctaw Indians for yourself and children to the Dawes Commission at any time?
A Yes sir.
Q When did you make application? A Last June was a year ago.
Q June 8, 1900? A Yes sir.
Q You then made application for enrollment as a citizen by blood of the Choctaw Nation? A Yes sir.
Q For yourself and children before the Commission on that date--June 8, 1900? A Yes sir.
Q What was done with that application, do you remember? Were you accepted or rejected? A I don't know; I reckon I was rejected, and they sent me some papers and I forwarded them to the lawyer.
Q What did he do? A I don't know. He wrote me he sent them to the Secretary of the Interior and I never heard anything more about it.

Q Do you want to have that application made by you at that time and the evidence produced in that application made a part of the record in this case? A I don't know.

Here attorney for applicants states that he desires to have the previous application and this one considered as one.

This evidence introduced by the applicant at that time, being the record thereof, Choctaw R 538, will be merged into this and considered a part of the present application.

Q You never have been admitted have you with your children to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the United States authorities or the United States Court in Indian Territory? A Not as I know of.

Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A I don't know that I do.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September, 1830. Before the treaty was signed it became known that between six and seven thousand Indians, at least afterwards it was shown that that number did remain in the old Choctaw Nation, would refuse to go to the Choctaw Nation, Indian Territory, under the treaty, with the other Indians, and so in order to protect their interests article fourteen was drafted and put into the treaty. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with the provisions of that article of that treaty do you know? A Not as I know of they didn't.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Why, it was my grandfather.
Q What was his name? A His name was Granser Thomas.
Q How much Choctaw blood did he have? A My grandfather?
Q Yes? A Claimed to be half breed.
Q Did he live in Mississippi in 1830? A I don't know whether he lived there in 1830; he lived in Mississippi.
Q He lived in Mississippi? A Yes sir.
Q Do you know how old he would be if living now? A No sir.
Q Never heard that he lived in Mississippi and was the head of a family there in 1830? A I don't know, but he lived in Mississippi.
Q The question would be--not whether he never removed from the state of Mississippi, but to show that he lived in Mississippi in 1830 and was married there then? A I don't know whether he was married there, but he lived in Mississippi.
Q That's all you can tell of it? A I just knew that my father said he lived in Mississippi.
Q Your father's name is William W. Thomas; how old would he be if living now? A I don't know; he was away up in sixty when he died.
Q When did he die? A He's been dead five years.
Q Where was he born? A In Mississippi.
Q Do you know where in Mississippi? A No sir.
Q Did he have any Choctaw brothers or sisters? A There wasn't but the one child.
Q Was there any older, living or dead? A No sir.
Q Do you know whether Granser Thomas claimed through his father or mother? A My grandfather, why he claimed Choctaw.
Q Do you know his father's name? A Granser Thomas' father?
Q Yes? A No sir.
Q Do you know his mother's name? A No sir.
Q Did any of your Choctaw ancestors own improvements on land in Mississippi or Alabama in 1830? A No sir.
Q Did any of them, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A Not as I know of.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, between 1833 and 1838? A Not as I know of. Only what I have heard.
Q What have you heard? A Why, my father told me that his father started with them when they started and run away.
Q Where did he go? Back to Mississippi? A I don't know.
Q Could you tell between what years that was? A No sir.
Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir, not as I know of.

The Choctaw Indians who remained in the old Choctaw Nation east of the Mississippi river, after the other Indians had removed under the treaty, were required, if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, who had an Agency in Mississippi at that time, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His failure to do this caused a good many Indians who had land in the old Choctaw Nation and upon which they had improvements, to lose both land and improvements for both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act approved August 23rd of that year, Congress appointed another Commission for the same purpose, and that Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors, to your knowledge, go before either of these Commissions and claim benefits as Choctaw Indians under article fourteen? A I don't know sir.
Q Did any of your Choctaw ancestors receive any scrip or certificates from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land which they had held in the old Choctaw Nation and which the government had taken from them and sold? Did you ever hear? A No sir.

This scrip was issued under the act of Congress approved August 23, 1842.

Q Have you any other evidence that you want to introduce now?
A That's all.
Q Any time desired? A No.
Q Do you speak the Choctaw language? A Why, yes sir, I speak some.
Q Can you count? A I don't know whether I can count up to ten or not. I know what meat, corn, flour, money and stock of all kinds---I know them.

This applicant has the appearance and physical characteristics of being descended from white parentage, has brown eyes, dark brown hair, she has some knowledge of the Choctaw language, that is, she knows some words which she has learned, she says, by being among the Indians, but is hardly able to carry on conversation in that language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Applicant excused.

E. T. Nail, being first duly sworn as a witness, testifies in reference to the applications of Amanda Tyra, M C R 5435 and Catherine J. Norman, M C R 5436, as follows:

Q What is your name? A E. T. Nail.
Q What is your age Mr. Nail? A Fifty-nine years old the 3rd of last September.
Q What is your post office address? A Johnson?
Q Indian Territory? A Yes sir.
Q Are you related to Amanda Tyra and Catherine J. Norman?
A Brother-in-law.
Q You are a brother-in-law of the two? A Yes sir, both of them. My wife and them are sisters.

Examination by L. P. Hudson, attorney for applicants:

Q Mr. Nail, you made an application to the Dawes Commission for citizenship in '96 for your wife and family did you not?
A Yes sir.
Q What was done with that application? A It was rejected.
Q What steps did you next take? A I appealed it to the Federal Court.
Q And what was the judgment of the Court? A The judgment of the Court was against the Choctaw Nation in our favor for citizenship.
Q Your wife and children in that judgment were enrolled?
A Yes sir.
Q You say you are a brother-in-law of Amanda Tyra and Catherine J. Norman? A Yes sir.
Q They are sisters of your wife are they? A Yes sir.
Q Full sisters? Same father and same mother? A Yes sir.
Q Neither of these parties made application in '96 did they?
A No sir.
Q You made an effort to find out where they were to join them in your application? A Yes sir.
Q They afterward, in June, 1900, made an application to the Dawes Commission at Ateka didn't they? A Yes sir.
Q You was present at that time? A Yes sir.
Q Now Mr. Nail were you acquainted with the father and mother of Catherine Norman and Amanda Tyra? A I have known the father for twenty-four years until his death.
Q How about the mother? A The mother I never was personally acquainted with her. She died before I got acquainted with her.
Q Your wife and these other daughters were single at that time?
A Yes sir.
Q Were they living with their father? A Yes sir.
Q And were known and recognized as his children? A Yes sir.
Q Do you know whether or not the father and mother of these children lived together as man and wife up to the time that she died; now I don't mean from your personal knowledge but from the facts and circumstances of the people? A From facts, as a matter of course, they were. The old man has told me hundreds of times in conversation with him; he would say what Emeline done.
Q You heard him say that she was his wife? A Yes sir. In one

instance he told me about his house catching fire and his wife covering up that one of the children in the snow and put a blanket over a trough and thought she had the child covered up.

Q Mr. Nail your family obtained their judgment in their favor in the United States Court at Ardmore, Indian Territory, Judge Townsend presiding at that time? A Yes sir.

Q Have you made a search or have you employed any one to do that, for the records in that case? A None only you.

Q You employed me to do that did you? A Yes sir.

Q And to file a certified copy of that judgment? A Yes sir.

Q Who procured or was instrumental in procuring the evidence that was filed in the Court in support of the claim of your wife?

A Myself and Cherry-Holmes and Abernathy of Purcell was my attorneys, and I went to Lamar County and had two depositions taken by a man by the name of Martin, a notary public or Justice of the Peace.

Q And you was the party that looked this matter up and secured evidence of the witnesses? A Yes sir.

Q Was you acquainted with the witnesses that testified in this case? A Part of them I was.

Q I will ask you whether they was reputable citizens in the county that they resided? A Yes sir.

Q That judgment has never been attacked in any way by the Choctaw Nation? A No sir, not that I know of.

Q And your wife is, as you understand now, on the rolls of the Choctaw Nation? A Why, they are listed for enrollment as they told me.

Witness excused.

Mary Elizabeth Nail, having been first duly sworn as a witness, testifies in reference to the applications for identification as Mississippi Choctaws of Amanda Tyra et al., M C R 5435, and Catherine J. Norman et al., M C R 5436, as follows:

Examination by the Commission:

Q What is your name? A Mary Elizabeth Nail.

Q What is your post office address? A Johnson? I. T.

Q What is your age? A Forty-three.

Q Are you related to Amanda Tyra? A Yes sir.

Q What relation to her? A Sister.

Q And sister of Catherine J. Norman? A Yes sir.

Q You are a citizen of the Choctaw Nation are you? A Yes sir.

Q Admitted by a judgment of the United States Court at Ardmore?

A Yes sir.

Q When were you admitted? A Four years ago last September.

Q How much Choctaw blood do you claim? A One-eighth.

Q You made application for citizenship before the Dawes Commission under the act of Congress of June 10, 1896, did you not in 1896?

A Yes sir.

Q And was rejected then and afterwards appealed? A Yes sir.
Q And was admitted by that court on appeal? A Yes sir.

Examination by L. P. Hudson, attorney for applicants:

Q Mrs. Nail are you older than Catherine J. Norman and Amanda Tyra? A No sir.
Q Either of them younger than you? A Mrs. Tyra is forty-five; I am forty-three and the youngest sister is thirty-six.
Q You remember your father and mother well of course? A Yes sir.
Q How old were you when your mother died? A I was about ten years old.
Q I will ask you whether or not your father and mother lived together as husband and wife and raised a family and that they continued to reside together until her death? A Yes sir.
Q One of your sisters stated that the house they lived in was burned; do you remember that? A It was before my time.
Q Did you ever hear your father or mother say whether or not their marriage certificate was burned at that time? A No sir, I never did.
Q Do you know where they were married? A They was married in Georgia.
Q Do you know what place? A I don't know whether they was married at Drakstown or Vanvert.
Q Did you ever see your father and mother's certificate of marriage? A No sir, I don't know anything about that.
Q Have no knowledge? A I was small and then it was burned before my time; of course I never saw it.
Q How many children was there in your father and mother's family?
A There was seven, but only four living.
Q You do know that they lived together as man and wife and had a family of seven children? A Yes sir.

Witness excused.

Catherine J. Norman being recalled, testifies as follows:

Examination by L. P. Hudson, attorney for applicants:

Q Mrs. Norman, in your testimony in this case you stated that your father was born in Mississippi, did you? A I think I did.
Q Well was that correct or not, if you made that statement?
A Why he was born right on the line of Mississippi and Alabam, on the Alabama side.
Q Then when you stated that he was born in Mississippi that was a mistake on your part? A Yes sir, that was a mistake in the Judge there speaking the name so fast. I didn't understand until I took my second thought.
Q In referring to the old Choctaw Nation in Mississippi and Alabama you over-looked the fact and stated that it was in Mississippi? A I think I did; I wouldn't be certain.
Q If you did that it was a mistake, and your father was born in Alabama? A Yes sir, right on the line of Mississippi and Alabama.

Catherine J, Herman et al.,—9.

Albert G. McWilliams, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 30th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McWilliams

Subscribed and sworn to before me this 5th day of May, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Catherine J. Norman for enrollment of herself and her two minor children as citizens by blood of the Choctaw Nation.

The applicant, Catherine J. Norman, appeared before the Commission at Atoka, Indian Territory, June 8th, 1900, and from her oral testimony given at that time on behalf of her claim for enrollment of herself and her two minor children, Wilburn H. and Joel R. Norman, as citizens by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

The application for enrollment as citizens by blood of the Choctaw Nation of Catherine J. Norman and her minor children, Wilburn H. and Joel R. Norman, is therefore hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, August 30th, 1900.

Muskogee Indian Territory, October 3, 1900.

Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 1st instant, enclosing written requests of Amanda Tyra and Catherine J. Norman to have the records in the matter of their applications for enrollment as citizens by blood of the Choctaw Nation, forwarded to the Secretary of the Interior for his consideration.

The same have been filed with the other papers in these cases and the records made will be forwarded to the Secretary of the Interior for his consideration when the final rolls of citizens of the Choctaw Nation are sent to him for approval.

Also enclosing written requests of William C. Self and Berge Duke to have the records in the matter of their applications for identification as Mississippi Choctaws forwarded to the Secretary of the Interior for his consideration.

The same have been filed with the papers in these cases and the records will be forwarded to the Secretary of the Interior together with the report of the Commission on the identification of Mississippi Choctaws as provided in the act of June 28th, 1898.

Yours truly,

Acting Chairman.

7-R-538
7-R-539
M. C. R- 35
M. C. R-333

Choctaw R-533.

Muskogee, Indian Territory, March 10, 1902.

In the matter of the application of Catherine J. Norman for the enrollment of herself and her two minor children, Wilburn H. Norman and Joel R. Norman, as citizens by blood of the Choctaw Nation.

Catherine J. Norman,

Johnsonville, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that you and your minor children are entitled to be identified as Mississippi Choctaws under the act of Congress of June 28, 1898, which provides as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

C. J. M., S.

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you and your said children are the descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

T. B. Needles,

Commissioner in Charge.

Register.

COPY.

M.C.R. 5436

Muskogee, Indian Territory, December 1, 1902.

Catherine J. Norman,

Johnson, Indian Territory.

Dear Madam:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Tyra, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda Tyra, et al.,	M.C.R. 5435
Catherine J. Norman, et al.,	M.C.R. 5436

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Tyra, Emanuel W. Tyra, Jesse Tyra, Fannie P. Tyra, Simon Peter Tyra, Catherine J. Norman, Wilburn H. Norman and Joel R. Norman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the cause together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Bixby.

Acting Chairman.

Registered.

M.C.R. 5436

Muskogee, Indian Territory, December 30, 1902.

Joseph A. Edwards,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you state that Mrs. Catherine J. Norman did not receive the letter of the Commission, notifying her of the refusal of her application for the identification of herself and minor children as Mississippi Choctaws, until too late to submit further evidence.

You ask that she be granted further time within which to submit additional testimony.

In reply to your letter you are informed that the fifteen days from December 1, 1902, heretofore granted the applicants in this case within which to file arguments in support of their claims, to be forwarded to the Secretary of the Interior, expired on December 16, 1902, and on December 17, 1902, the record in the case was forwarded to the Secretary of the Interior.

The applicants will be duly notified of any action taken by him.

You are further advised that the fifteen days granted applicants in Mississippi Choctaw cases within which to file arguments

in support of their claims, to be forwarded, together with the decisions of the Commission, to the Secretary of the Interior, are granted under specific Departmental instructions and cannot be extended.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 5436.

Muskogee, Indian Territory, March 12, 1903.

Catherine J. Norman,

Johnson, Indian Territory.

Dear Madam:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda Tyra, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

M C R 5436

Muskogee, Indian Territory, January 4, 1904.

Ledbetter, Bledsoe, Thompson & McKeel,
Attorneys at Law,
Ada, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of December 29, 1903, in which you ask to be advised the status of the Mississippi Choctaw case of Mrs. C. J. Norman, et al.

In reply you are informed that on February 28, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application of Catherine J. Norman, et al., for identification as Mississippi Choctaws, of which departmental action she was duly notified on March 12, 1903.

The Commission now considers this case closed.

Respectfully,

Chairman.

MEMORANDA.

(Date) June 8 1900

34 Name Cathina J. Norman

Choctaw ? yes County Year No.

Chickasaw ? County Year Page

Citizen by blood ? 1/8 Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name,

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

10 Wilburn St. Norman County Year Page No.

7 Joe A. County " Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

P.O Johnsonville S.C.

Father William Thomas

Mother Emeline "

No. 5136

For Identification as a Mississippi Choctaw.

Date APR 30 1902

Name Catherine J. Norman.

Age 36 Blood 1/8.

Post-Office, Johnson. I.T.

Father: William W. Thomas, d

Mother: Mary E. " d

Claims through father

husband Elijah N. Norman, d.

No claim for husband

Children:

Wilburn A. Norman, 12

Joel Richard " 9

Claims for self & children

...rapher R. H. McMillan.

Choctaw MCR 5437

Thomas R. Terry

See MCR 762

MCR 5437

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 30, 1902.

#5437. --------oOo--------

In the matter of the application of Thomas R. Terry for the identification of himself as a Mississippi Choctaw.

Applicant not represented by attorney.

Thomas R. Terry, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Thomas R. Terry.
Q What is your age? A Twenty-eight.
Q What is your post office address? A Reed, Oklahoma.
Q How long have you lived at Reed? A I have lived right there in the neighborhood thirteen years.
Q Where did you live before that? A In Texas.
Q Born in Texas? A Yes sir.
Q Where in Texas did you live? A In Leon County.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Henry H. Terry.
Q What is your mother's name? A Samantha E. Terry.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A One-thirty-second.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir, she hasn't.
Q You claim just for yourself alone? You are not married?
A No sir, not married.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever before this time been before the Commission or the Choctaw tribal authorities to be enrolled as a citizen of the Choctaw Nation? A No sir.
Q And you have never been admitted to the Choctaw Nation as a citizen by any authority whatever? A No sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treat of 1830? A Yes sir.
Q Do you understand that article? A Well, I don't believe I do, no sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi. It was made on the 27th day of September, in the year 1830, and ratified on the 24th day of February, 1831. Before the treaty was signed in 1830, it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians who elected to stay back in the old Choctaw Nation article fourteen was drafted and put into the treaty and reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors of Choctaw Indians comply or attempt to comply with any of the provisions of that article?
A Not that I know of.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elisha F. Tubb.
Q What relation is he to you? A My great-grandfather.
Q How old would he be if living now? A I don't know sir.
Q How much Choctaw blood did he have? A One-fourth.
Q Did he live in the old Choctaw Nation in Mississippi or Alabama in 1830? A I think he lived in Mississippi; I am not sure about that; I don't know.
Q Did he have a family there at that time? A I don't know sir.
Q You never heard? A No sir.
Q Do you know of any Choctaw ancestor through whom you claim descent that did live in the old Choctaw Nation in 1830 and had a family there then? A No sir, I don't.

Q You claim through your mother? A Yes sir.
Q Has she been before the Commission? A Yes sir.
Q When did she appear before the Commission? A In December I believe it was.
Q Here at Muskogee? A Yes sir.
Q Claiming through this same common ancestor? A Yes sir.
Q Where was she born? A She was born in Mississippi.
Q And from Mississippi she went where? A To Texas.
Q And remained in Texas? A Remained in Texas until thirteen years ago when she moved to Oklahoma.
Q And been there ever since? A Yes sir.
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
Q Did any of them, within six months from the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know sir.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838?
A I don't know sir.
Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.

The Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty of 1830, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His neglect to do this caused a good many Indians who held land in Mississippi, upon which they had improvements, to lose both the land and improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed, under an act approved August 23rd of that year, which went to Mississippi and also heard claimants under article fourteen of the treaty of 1830.

Q Do you know if any of your Choctaw ancestors went before either of these two Commissions, that of 1837 or 1842, and claimed benefits under article fourteen of the treaty of 1830?
A No sir, I don't know.

The act of Congress approved August 23, 1842, provided: That if any Choctaw Indian proved his claim under article fourteen of that treaty and if it also further appeared that he had land in Mississippi which the government had taken from

him and sold at its public land sales, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that scrip should be issued to him authorizing him to make these selections.

Q Did any of your Choctaw ancestors receive any such scrip or certificate from the government as Choctaw Indians?
A I don't know sir.
Q Have any of your relatives been before the Commission beside your mother, Samantha E. Terry, to be identified under this common ancestor, Elisha F. Tubb? A I have a brother that was and some cousins; I don't remember how many of them.
Q Who is LaFayette E. Ikard? A I don't know sir.
Q He's some relative of yours? A Yes sir, I don't know what connection he is.
Q He made application a long time ago; his Number is 762; these cases are going to be consolidated and all considered together under one head and LaFayette E. Ikard will be the principal applicant of all who claim through the same common ancestor; do you want to have your case and the cases of all who have applied to be identified as Mississippi Choctaws claiming through the same common ancestor consolidated under this head? A Yes sir.
Q Your mother's name is Samantha E. Terry? A Yes sir.
Q She made application you say last year? A Yes sir, in December I think it was; I am not sure when it was, but I think it was in December.
Q Do you speak or understand the Choctaw language? A No sir.
Q Is there anything more you would like to say now in support of this claim? A No sir, I don't believe there is.

This applicant has the appearance and physical characteristics of being descended from white parentage, blue eyes, light hair, sandy mustache, ruddy complexion, has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 30th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 5th day of May, 1902.

Notary Public.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5437

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Thomas R. Terry,

Reed, Oklahoma.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb. et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Sig.)

James Dixby.

Registered. Chairman.

M.C.R. 5437.

Muskogee, Indian Territory, May 1, 1905.

Thomas R. Terry,

Reed, Oklahoma.

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette K. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

Identification as a Mississippi Choctaw.

Date APR 30 1902

Name Thomas R. Terry.

Age 28 Blood 1/32

Post-Office, Reed, Okla

Father: Henry H. Terry. l

Mother: Samantha E. " l

Claims through mother. -

Children:

Claims for self alone

Stenographer A. G. McMillan.



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REED
MAY
23
1903
OKLA.

REGISTERED
APR 24 1903
MUSKOGEE, IND. TER.

~~Thomas B. Reed~~
~~Reed, Oklahoma~~

Returned
Incorrect

35
31

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 3 1903

CHAIRMAN



Choctaw MCR 5438
Amma Wamble
See MCR 762

MCR 5438

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 30, 1902.

#5438. ---------O----------

In the matter of the application of Amma Wamble for the identification of herself and her three minor children, Hazel W., Maggie Lou and Sammie L. Wamble, as Mississippi Choctaws.

Applicants not represented by attorney.

Amma Wamble, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Amma Wamble.
Q What is your age? A Twenty-nine.
Q What is your post office address? A Godley, Texas.
Q How long have you lived at Godley? A I have lived there about thirteen years.
Q Where did you live before that? A I lived in Ellis County.
Q Texas? A Yes sir.
Q Have you always lived in Texas? A Yes sir, I am a native.
Q Is your father living? A Yes sir.
Q What is his name? A John A. Moore.
Q Is your mother living? A No sir.
Q And what was her name? A Maggie Moore.
Q You claim through which parent? A My father.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q Have you the proof of the marriage of your father and mother?
A I haven't, though we have send for it.
Q You can introduce that later if given time? A Yes sir.

Reasonable time will be allowed for that purpose.

Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Sam W. Wamble.
Q Is he a Choctaw Indian? A No sir.
Q What is he? A American born.
Q He's a white man, of course? A Yes sir.
Q And you do not make any claim for him? A No sir.
Q How the first child's name? A Hazel W. Wamble.

Q How old is Hazel? A Nine years old.
Q Girl? A Yes sir.
Q The next? A Maggie Lou Wamble.
Q The next? A Sammie L. Wamble.
Q How old is Maggie Lou? A Four years old.
Q How old is Sammie L.? A Two.
Q Is that all? A Yes sir.
Q You claim for yourself and children? A Yes sir.
Q Is Sam W. Wamble the father of these children? A Yes sir.
Q And are you and he living together as husband and wife at your home and these children living with you? A Yes sir.
Q Were either you or he married previous to your marriage to each other? A No sir.
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A It is not.
Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever been admitted with your oldest child to citizenship in the Choctaw Nation by the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application that you have ever made for citizenship in the Choctaw Nation for yourself and children to any authority whatever? A Yes sir.
Q You have never been admitted to citizenship by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?
A No sir.
Q Do you now wish to identify yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article? A Not perfectly.

The treaty of 1830, which was sometimes called the treaty of "Dancing Rabbit Creek," because it was made at a place by that name in 1830, on the 27th day of September, was a compact or agreement in writing made between the United States government and the Choctaw Indians for the removal of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect the interests of these Indians who wanted to stay back there in the old Choctaw Nation article fourteen was put into the treaty and the treaty was signed on the 27th day of September and ratified on the 24th day of February, 1831. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of

one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the peivilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A I don't know.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Lydia Tubb
Q What relation was she to you? A She was my great-grandmother.
Q How much Choctaw blood did she have? A One-fourth.
Q How was she related to Elisha F. Tubb do you know? A I don't know. She was a daughter of George Tubb and he was half Indian and I suppose they were brothers, but I don't know what relation they were.
Q Did she live in Mississippi in 1830? A I don't know. George Tubb did.
Q George Tubb lived in Mississippi in 1830? A Yes sir.
Q And did he have a family then? A I don't know.
Q Can you give the name of any of your Choctaw ancestors who lived in Mississippi in 1830 and had children there at that time? A No sir.
Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation in Mississippi or Alabama in 1830 under article fourteen of the treaty of 1830? A I don't know.
Q Did any of them own any improvements on land in Mississippi or Alabama at that time? A I don't know that.
Q Did any of them, within six months from the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
Q Did any of your ancestors go from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40?
A No sir, I don't think they did. I don't know.

The Indians who remained in the old Choctaw Nation after the treaty was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go to Colonel Ward who had an Agency there at that time and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Indians did this whose names the Agent failed to put upon his list known as ' Ward's Register and as a result of his neglect to do so a great many Indians who had land in the old Choctaw Nation lost both their lands and the improvements upon it, for both were

#4. taken from them by the government and sold . This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose and this Commission also went to Mississippi to hear claimants under article fourteen of that treaty.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits as Choctaw Indians? A No sir.
Q Did any of them receive any scrip or certificate from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they had formerly held in Mississippi and which the government had taken from them and sold? A Not that I know of.

This scrip was issued under the act of Congress approved August 23, 1842.

Q Who is LaFayette E. Ikard? A I don't know.
Q He is a relative, is he not? A Milton Ikard is. We claim with him and I suppose he claims through this one.
Q What relation is Milton Ikard to you? A Cousin.
Q Now do you want the cases of all of those who claim through the same common ancestors with Milton Ikard and LaFayette E. Ikard considered with your case? A Yes sir.

The case of Milton Ikard et al., M C R 767, and LaFayette E. Ikard et al., M C R 762 are here referred to.

Q Do you speak or understand the Choctaw? A No sir.
Q Have you any other evidence that you want to introduce in this case? A I have my marriage license; I don't know whether it is necessary to have them come in or not.

This applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes, brown hair, medium dark complexion; doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 30th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 7th day of May, 1902.

Notary Public.

M C R 5436

Muskogee, Indian Territory, April 2, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, enclosing the affidavit of the father, S. W. Wamble, husband of Anna Wamble, deceased, and that of the attending physician, C. W. Davis, relative to the birth of Edward Ardrey Wamble, September 10, 1902. Said affidavits will be transmitted with the record in the consolidated Mississippi Choctaw case of Lafayette E. Ikard, et al., to the Secretary of the Interior.

Respectfully,

Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5438

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Anna Vamble,

Godley, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb. et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Elia Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

Chairman.

Registered.

M.C.R. 5438

Muskogee, Indian Territory, May 1, 1905.

Anna Wamble,

Godley, Texas,

Dear Madam:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

No. 5138

For Identification as a Mississippi Choctaw.

Date APR 30 1902

Name Amma Wamble

Age 29 *Blood* 1/32

Post-Office, Godley, Tex.

Father: John A. Moore. l

Mother: Maggie " d

Claims through father

husband. Sam W. Wamble, L. W.

No claim for husband

Children:

Hazel W. Wamble. ?

Maggie Lou " 4

Sammie L. " (F) 2

Claim for self & Children -

Stenographer A. G. McMillan

Choctaw MCR 5439

Kate Terry

See MCR 762

MCR 5439

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 30, 1902.

#5439. --------oOo--------

In the matter of the application of Kate Terry for the identification of herself as a Mississippi Choctaw.

Applicant not represented by attorney.

Kate Terry, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Kate Terry.
Q What is your age? A Twenty-five.
Q What is your post office address? A Jester, Oklahoma.
Q How long have you lived there? A Thirteen years.
Q Where did you live before you lived there? A Texas.
Q Always in Texas? A Yes sir.
Q Born in Texas? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A Henry H. Terry.
Q Is your mother living? A Yes sir.
Q What is her name? A Samantha E. Terry.
Q You claim through which parent, father or mother? A Mother.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q You are not married? A No sir.
Q Claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever made application before this time for citizenship in the Choctaw Nation to any authority whatever? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself as a

Mississippi Choctaw claiming under article fourteen of the treaty of 1830.

Q Do you understand it? A No sir, no more than what I have heard you explain.

Q Do you think you understand that now without any further explanation? A Yes sir, I think I understand it.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q What is the name of your ancestor? A My great-grandfather.

Q What is the name? A Elisha F. Tubb.

Q Did any of your Choctaw ancestors comply with article fourteen of the treaty of 1830? A No sir, not that I know of.

Q How much Choctaw blood did Elisha Tubb have? A One-fourth.

Q Did he live in Mississippi in 1830? A I don't know.

Q Do you know of any ancestor who did? or in Alabama?

A No sir, I don't know.

Q Do you know of any ancestor who lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and was the head of a family there at that time? A No sir.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in 1830? A I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I don't know.

Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states?

A I don't know.

The Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified, were required to go to the

Indian Agent within six months after the ratification of the treaty, if they wanted to take advantage of article fourteen of that treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register, and his neglect to do this caused a good many Indians who held land in the old Choctaw Nation, upon which they had improvements, to lose both land and improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose, under an act approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your Choctaw ancestors go before either of these Commissions, to your knowledge, and claim any benefits as Choctaw Indians? A I don't know.
Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land that the government had taken from them? A I don't know.
Q Who is LaFayette K. Ikard? A I don't know.
Q Isn't he some relative? A Yes sir, relative; I think it is---
Q Ever hear of Milton Ikard? A Yes sir.
Q Is he also a relative? A Yes sir.
Q Is there anything more you would like to say in support of this claim? A No sir.
Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has medium dark complexion, brown eyes, brown hair; she doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 30th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 7th day of May, 1902.

Notary Public.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
M.C.R. 8439

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Kate Terry,

Foster, Oklahoma.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
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William Alexander Moore	M. C. R. 5906
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Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb. et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Registered.

Chairman.

M.C.R. 8439

Muskogee, Indian Territory, May 1, 1905.

Kate Terry,

Tester, Oklahoma, Territory,

Dear Madam:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

No. 5439

For Identification as a Mississippi Choctaw.

Date APR 30 1902

Name Kate Terry

Age 25 *Blood* 1/32

Post-Office. Tesler, Okla.

Father: Henry H. Terry, D.

Mother: Samantha E. Terry, D.

Claims through Mother

Children:

Claim for reg
alone

Stenographer A. H. McMillan

Choctaw MCR 5440

Henry H. Terry

See MCR 762

MCR 5440

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 30, 1902.

#5440. --------oOo--------

In the matter of the application of Henry H. Terry, Jr., for the identification of himself as a Mississippi Choctaw.

Applicant not represented by attorney.

Henry H. Terry, Jr., being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Henry H. Terry, Jr.
Q What is your age? A Twenty-two.
Q What is your post office address? A Reed, Oklahoma.
Q How long have you lived there? A I have been in that country thirteen years.
Q Where did you live before you lived there? A Texas.
Q Were you born in Texas? A Yes sir.
Q Is your father living? A Yes sir.
Q Mother living? A Yes sir.
Q What is your father's name? A Henry H. Terry.
Q What is your mother's name? A Samantha E. Terry.
Q You claim through which parent? A Mother.
Q How much Choctaw blood do you claim through her? A One-thirty-second.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application that you have ever made of any kind for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the United States authorities? A Yes sir
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A No sir, not any more than what I have heard here.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek. It was made to remove the Choctaw Indians from that Nation to the Choctaw Nation, Indian Territory. Before it was ratified it became known that a good many Choctaws would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty, which is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q What is the name of your ancestor that you claim through?
A Elisha F. Tubb.
Q What relation was he to you? A Great-grandfather.
Q How much Choctaw blood did he have? A One-fourth.
Q Did he live in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know.
QV Or was he at the head of a family there then? A I don't know.
Q Do you know of any Choctaw ancestor who did live in the old Choctaw Nation and was at the head of a family there then in 1830? A No sir.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40?
A Not that I know of.
Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under the treaty of 1830? A Not that I know of.
Q Did any of your Choctaw ancestors, to your knowledge, own any improvements on land in Mississippi or Alabama in 1830 or any time previous to that year? A No sir.

Q Did any of them, within six months frommthe ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States?
A I don't know.

A good many Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory, with the other Indians, were required, if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His neglect to do this caused a good many Indians who had land in Mississippi to lose their land and the improvements upon it; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that Congress appointed a Commission in 1837, under an act approved March 3rd of that year, which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act approved August 23rd of that year, Congress appointed another Commission to go to Mississippi for the same purpose.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits under article fourteen of that treaty? A Not that I know of.
Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land that they had occupied in Mississippi or Alabama in the old Choctaw Nation, and which the government had taken from them and sold? Never heard of it? A No sir.

This scrip was issued under an act of Congress approved August 23, 1842.

Q Who is Milton Ikard? Relative of yours? A Yes sir.
Q And LaFayette E.? A I suppose he is.
Q Do you want to have your case consolidated with all other cases of applicants who with Milton Ikard and LaFayette E. Ikard claim through the same common ancestor? A Yes sir.
Q Is there anything more you want to say in support of this claim?
A No sir.
Q Can you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, florid complexion, brown eyes, light brown hair, doesn't understand the

Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 30th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 7th day of May, 1902.

Notary Public.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 8440

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Henry H. Terry, Jr.,

Reed, Oklahoma.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
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Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
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Lydia E. Moore	M. C. R. 5709
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Jane A. Moore	M. C. R. 5711
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Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
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Ella Harris, et al.	M. C. R. 4894
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Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
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Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
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George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered. Chairman.

M.C.R. 5440

Muskogee, Indian Territory, May 1, 1905.

Henry H. Terry Jr.,

Reed, Oklahoma Territory,

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

No. 5440

For Identification as a Mississippi Choctaw.

Date APR 30 1902

Name Henry H. Perry, Jr.

Age 22 Blood 1/32

Post-Office, Reed, Okla

Father: Henry H. Perry l

Mother: Samantha E. " l

Claims through mother

Children:

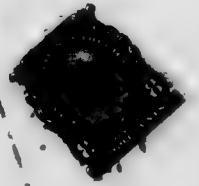
Card forwarded

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.





~~Henry H. Terry, Esq.,~~

Reed, ~~Oklahoma~~

REGISTERED
APR 24 1903
MUSKOGEE, IND. TER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 3 1903

CHAIRMAN



Choctaw MCR 5441

Edward L. Terry

See MCR 762

MCR 5441

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 30, 1902.

#5441 --------oOo--------

In the matter of the application of Edward L. Terry for the identification of himself as a Mississippi Choctaw.

Applicant not represented by attorney.

Edward L. Terry, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Edward L. Terry.
Q What is your age? A Twenty-six.
Q What is your post office address? A Reed, Oklahoma.
Q How long have you lived at Reed? A Thirteen years.
Q Where were you born? A Born in Texas.
Q And went from Texas to Oklahoma? A Yes sir.
Q Never lived in any other state except these two? A No sir.
Q Is your father living? A Yes sir.
Q Mother living? A Yes sir.
Q What is your father's name? A Henry H. Terry.
Q Your mother's name is what? A Samantha E. Terry.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q Has your mother ever been enrolled as a Choctaw Indian or recognized as one by the Choctaw tribal authorities or the United States authorities? A No sir.
Q You claim for yourself alone do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation either to the Dawes Commission or any authority of the Choctaw Nation at any other time up to the present application?
A No sir.
Q You have never been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the UnitedStates Court in Indian Territory? A No sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming rights under article fourteen of the treaty of 1830? A I do.
Q Do you think you understand that article now? A I think I do.
Q You do not care to have it explained? A No sir.

That article reads as follows:

> "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply in any way with the provisions of that article of that treaty?
A I don't know sir.
Q Who do you claim through? A I claim through Elisha F. Tubb.
Q What relation to you? A Great-grandfather.
Q How much Choctaw blood did he have? A One-fourth.
Q Did he speak the Choctaw language? A I don't know sir; I don't think he did.
Q Did he have a Choctaw Indian name? A I don't know.
Q How old would he be if living now? A I don't know sir.
Q Do you know whether he claimed through his father or mother?
A No sir, I don't.
Q Can you tell the name of his father or mother? A No sir.
Q Did he live in Mississippi in the old Choctaw Nation?
A I think he did.
Q Did he live there in 1830? A I don't know.
Q Don't know whether he was the head of a family there at that time? A No sir.
Q Can you give the name of the Choctaw ancestor who was the head of a family in Mississippi in 1830? A No sir.
Q Did any of your ancestors own or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
Q You don't know of any ancestor that complied with that article of that treaty? A No sir.
Q Did any of your Choctaw ancestors own any improvements on land

in Mississippi or Alabama in 1830 or any year previous to that?
A I don't know.
Q Did any of them, within six months from the ratification of the treaty of 1830, go to Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I don't know.

The Choctaw Indians who remained in that old Choctaw Nation after the treaty of 1830 was ratified, refusing to go under the treaty to the Choctaw Nationnwest of the Mississippi river, were required, if they wanted to take advantage of article fourteen of that treaty, to go to Colonel Ward who had an Agency in Mississippi at that time, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Indians did this whose names Colonel Ward neglected for some reason to place upon his list known as Ward's Register. His neglect to properly record the names of all these claimants under article fourteen caused a good many Indians in the old Choctaw Nation who held land and upon which they had improvements, to lose both land and improvements; both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians, especially among those who lost their land, so that in 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians under article fourteen of the treaty of Dancing Rabbit Creek?
A I don't know sir.
Q Did any of your Choctaw ancestors receive any scrip or certificates from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they formerly held in the old Choctaw Nation and which the government had taken from them and sold?
A I don't know sir.

This scrip was issued under the act of Congress approved August 23, 1842.

Q Who is LaFayette H. Ikard? A I don't know.
Q He is a relative is he? A Yes sir.
Q But you do not know what? A No sir.
Q Who is Milton Ikard? A He is a cousin.

Q Would you like to have the cases of all these applicants who are relatives of yours, including LaFayette E. Ikard, M C R 762, and Milton Ikard, M C R 767, consolidated with your case in order that you can get the benefit of what they have testified to?
A Yes sir.
Q Is there anything more you want to sya in support of your claim?
A No sir.
Q Is there any other documentary evidence you want to offer in support of your application? A Not now; I might later on.
Q Well the case is almost closed and a great many have put in testimony, and I suppose about all the testimony there is in existence; perhaps you could be allowed ten days time?
A I would like to have it if I could.

Ten days time will be allowed this applicant in which to introduce further testimony in support of his application.

Q Can you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has blue-gray eyes, florid complexion, light brown hair, smooth face; he doesn't understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

9----------9

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 30th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 7th day of May, 1902.

Notary Public.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5441

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Edward L. Terry,

Reed, Oklahoma.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
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Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
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Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
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Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Ailine Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Sig.)

James Bixby.

Registered.

Chairman.

M.C.R. 6442

Muskogee, Indian Territory, May 1, 1905.

Edward L. Terry,

Reed, Oklahoma Territory.

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

Identification as a Mississippi Choctaw.

Date APR 30 1902

ne Edward L. Perry.

26 *Blood* 1/8

-Office, Reed, Okla.

her: Henry H. Perry d

her: Samantha E. Perry, d

aims through Mother

ldren:

Claim for self alone.

ographer A. G. McMullan

Choctaw MCR 5442

Thomas Reaves

MCR 5442

[redacted]

In the matter of the application of Thomas Reaves, et al, for distribution as Klamath Indians, Oklahoma.

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Thomas Reaves, et al.

Page.

Original application of Thomas Reaves, et al, before the Klamath Commission for Identification as Klamath Indians.....

Affidavit of Augustus Brunkin et .....

Marriage license of Thomas Reaves and Sarah Bryant, etc.

Decision of the Commission refusing the application of Thomas Reaves, et al., for identification as Klamath Indians.....

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 29, 1902.

M C - 5[illegible]

In the matter of the application of Thomas Reaves for identification of himself, his three minor children, Ada Reaves, Mamie Reaves and Lew Reaves, and for the identification of his brother's two minor children, Murphy Reaves and Hattie Reaves, as Mississippi Choctaws.

Applicant not represented by attorney.

Thomas Reaves, having been duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Thomas Reaves.
Q. Have you a lawyer? A. No, sir.
Q. How old are you? A. I am fifty years old.
Q. What is your post office address? A. Greenville, Texas.
Q. How long have you lived in Texas? A. I don't know--a good while.
Q. Don't you know how long you have lived there? A. About fifteen years, I guess. I can't tell exactly.
Q. Where were you born? A. In Mississippi.
Q. At what place? A. I don't know the name of the place nor the county. I was small when I left there.
Q. How long did you live in Mississippi? A. I left when I was a little boy.
Q. Where did you go? A. I came out west to Texas and have been there ever since.
Q. Are your father and mother both dead? A. yes, sir.
Q. What was your father's name? A. Henry Reaves.
Q. Was he a negro at one time? A. Yes, sir. I guess so.
Q. Was he a full blood negro? A. I guess so.
Q. What was your mother's name? A. Harriet Reaves.

Q. What was her name before she wasmarried? A. Harriet.
Q. Well, what was her father's name? A. Bushkahomi.
Q. Was she a slave? A. No, sir.
Q. How did she happen to marry your father? A. I don't know. I left her in Mississippi, and she came to me in Texas later.
Q. Which parent do you claim Choctaw blood through? A. My mother; I got her picture rights here with me.

Commission inspected photograph of applicant's alleged mother.

Q. She had some colored blood, didn't she? A You may say what you please. She did not work for anybody.
Q. Did she have any white blood in her? A. If she did , I don't know.
Q. You favor your father, don't you? A. I reckon I do.
Q. You don't look much like an Indian do you? A. I guess not.
Q. Do you think you look like an India nat all; and don't you think you favor your father's side? A. I guess I look like my father.
Q. Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians either by the Choctaw tribal authorities of the United States authorities in Indian Territory? A. I don 8t Know.
Q. You say you left her in Mississippi? A. Yes, sir.
Q. You never knew of her being in Indian Territory, did you? A. No, I was not with her very much.
Q. Are you married? A. Yes, sir.
Q. What is your wife's name? A. Sarah Reaves.
Q. Is she living? A. yes, sir.
Q. Is she a colored woman? A. Yes, sir.
Q. You don't make application for her, do you? A. Yes, sir.
Q. Do you make claim for her as an Indian? A. Just as you want to say about that.
Q. Well, I don't want anything--what do you want? A. Of cburse she is not an Indian.
Q. Now give me the names of your own children? A. Len Reaves is one.
Q. Is he a boy? A. Yes, sir.
Q. Is he the oldest one? A. No, sir.
Q. Which s the oldest one? A. Let me see -I am not with the children very much, and I don't much about them.
Q. What is your oldest child's name? A. Ada Reaves.
Q. She is a girl? A. Yes, sir.
Q. How old? A. Sixteen.
Q. What is the next one's name? A. Mamie.
Q. How old is she? A. I don't know. She is younger --
Q. Don't you say another word except how old she is. How old is she? A. She is between sixteen and seventeen.
Q. You have got one sixteen---they are not twins are they? A. No, sir. She is two or three years younger than the first one.
Q. How old is Mamie? A. About sixteen.
Q. She cannot be sixteen? A. There is two or three year's differne in their ages. I don't know how old they are.
Q. Tell me when Ada was born? A. i don't know exactly.
Q. How old is Len? A. Six years old.

Q. How old is Ada? A. Between sixteen and seventeen.
Q. Now, how old is Mamie? A. About thirteen, I expect.
Q. These are your own children, are they? A. Yes, sir.
Q. Now, you want to make application for your borther's children? A. Yes, sir.
Q. Is your brother dead? A. He is dead.
Q. Is his wife dead? A. She is dead, too.
Q. Do these children live with you, and do you support them, and are you their guardian? A. Yes, sir.
Q. Are you the nearest kin they have? A. Yes, sir.
Q. What is the name of the oldest one? A. Murphy Reaves.
Q. How old is he? A. He is fourteen.
Q. Are both of them nephews? A. The other one is a gilr.
Q. One boy and one girl? A. Yes, sir.
Q. What is the girl's name. A. Hattie Reaves.
Q. How old is Hattie? A. She is eight years old.
Q. What was their father's name? A. Henry Reaves.
Q. Is he dead? A. Yes, sir.
Q. How much Choctaw blood did he have? A. As much as I have.
Q. How much have you? A. I don't know exactly.
Q. How much do you claim? A. I can t say exactly --a right smart though.
Q. Tell me the name of these children's mother. A. Ida Reaves.
Q. Is she dead? A. Yes, sir.
Q. Was Ida Reaves a negro? A. Yes, sir.
Q. The children claim through their father, don't they? A. Yes, sir.
Q Do these children live with you at your home? A. yes, part of the time. They are going to school most of the time.
Q. How old is Hattie? A. Eight years old.
Q. Was your brother Henry a slave at any time? A. Yes, sir.
Q. Were you a slave, too? A. I was.
Q. Was Ida, the mother of these children, a slave? A. No, sir.
Q. How did you and Henry become slaves, were you stolen? A. Yes, sir.
Q. Who stole you? A. An old whit woman had it done.
Q. What was the woman's name? A. Her namewas Craft.
Q. Did she steal you? A. She had it done.
Q. Was your brother Henry recognized in any way or enrolled as a member of the Choctaw Tribe of Indians in Indian Territory? A. No, sir.
Q. Was he enrolled orrecognized either by the Choctaw tribal authorities or the United States authorities in Indian Territory? A. Not that I know of.
Q. These children claim through Henry Reaves whose claim would be the same as yours? A. Yes, sir.
Q. And you don't know the quantity of Choctaw blood you haven do y you A. No, sir.
Q. No one to make application for your brother's children but you? A. No, sir.
Q. Is your children's or your brother's children's names on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. I don't understand that.
Q. What is your business at home? A. I cut wood and cook.
Q. Are any of those children's names on any of the rolls of the Choctaw Nation right here in Indian Territory? A. I don,t know.
Q. None of you have ever lived in Indian Territory, have you? A. I have never lived here. I have lived at Caddo.
Q. Did these children live there ? A. No, sir.

Q. Have you ever made application to the Choctaw tribal authorities for the enrollment of yourself and these children as citizens of the Choctaw Nation? A. No, sir.
Q. Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission? A. no, sir.
Q. Is this the first application you have ever made for yourself or these children? A. Yes, this is the first.
Q. You have never been admitted or enrolled as Choctaw citizen by the Choctaw tribal authorities, by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A. No, sir.
Q. Do you now come before the Commission to identify yourself as a Mississippi Choctaw and for the identification of your children and your brother's children as Mississippi Choctaws, and make your claim under article fourteen of the treaty of 1830? A. Yes, sir.
Q. Do you understand that article of that treaty? A. No, sir.
Q. You don't understand the treaty, dod you? A. As well as I can remember, it was the emancipation.
Q. Ah, you are thinking of the emancipation of the negroes. That was in 1863. I am not talking about that. I am talking about a treaty with the Indians.

A treaty is the same as an agreement made in writing. It is signed by nations instead of by persons. Two people can make a contract in writing and sign it, but all the people of a nation can not sign the contract which they make, so a few people representing each nation signs for the whole nation. Now, the Choctaw Indians and the United States government made a contract in the year 1830, in writing, which was signed by representatives of each nation, and that contract was called a treaty---the Treaty of Dancing Rabbit Creek, named for the place at which it was signed in the State of Mississippi. That contract was made for the purpose of removing the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation in Indian Territory. Before the treaty was ratified, that is, before all the people had approved of the treaty, it became known that a great many Choctaw Indians would not go from the old Nation in Mississippi to the Indian Territory, so article fourteen was drawn up and added to the treaty for the purpose of protecting those Choctaws who remained back there.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present

improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of that article of that treaty? A. Q. Don't know about that.
Q. In the first place you know what an article is, don't you? No, sir.
Q. An article is just a portion of the treaty, like a verse in a chapter in the Bible is a part of the chapter. An ancestor is one of your kin, as father, mother or grandfather. Now, do you know if any of your ancestors complied with that article? A. I don't know.
Q. What is the name of your ancestor who lived in Mississippi in 1830, that was 72 years ago? A. My mother was there back some time.
Q. What was her mother's name? A. I done forgot. I left there when I was a boy.
Q. Did you live there in 1820 ? A. I guess I did. I might have been there then; I was taken away when I was a little boy.
Q. What was the name of your mother's father? A. Bushkahomi.
Q. Was he the father of your mother? A. That's what she said.
Q. How much Choctaw blood did he have? A. He was a full blood.
Q. What was your mother's name? Harriet Reaves.
Q. Di d your mother say she lived in Mississippi in 1830 A. Yes, sir.
Q. Did she have any children then? A. I guess so.
Q. How old was your mother then? A. She is 72 years old now.
Q. Was she born in Mississippi? A. Yes, sir.
Q: Did her father have any other name but Bushkahoni? A. That(s all the name she said he had.
Q. We'l, it seems that if your mother was born in Mississippi 72 years ago that your grandfather was living there in 1830 and had a family there? I reckon so.
Q. You don't know who took you way from there? A. The old white woman had it done.
Q. Was your grandfather a slave? A. He was no more a slave than these Indians out in the territory. The white folks took me and another boy and c arried us away.
Q. Was your father a slave? A. Of course.
Q. Your brother a slave? A. Yes, Henry was a slave, too.
Q. Did any of your ancestors own any lands in Mississippi or Alabama in 1830? A. Not that I know of.
Q. Did any of your ancestors to your sknowledge go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory between 1833 and 1838 and 1840 with other Indians? A. I don't know.
Q. Did any of your Choctaw ancestors ever within six months after the ratification of the treaty of 1830 go to Colonel Ward, the United States Indian Agent, and tell him they wanted to stay in Mississippi, take lands, and beco me citizens of the States? A. I don't know.

Q. Did any of Choctaw ancestors own or claim any lands in Mississippi in 1830, ? I think my mother told me her father owned some there.
Q. Do you know where? A. No, sir.

The Choctaw Indians who remained back in the old nation in Mississippi after the treaty of 1830 was signed and ratified were required, if they wanted to take advantage of the provisions of that article, to go to the United States Indian Agent, Colonel ward, within six months from the ratification of that treaty, and tell him that they wanted to stay there, take lands and become citizens of the States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as Ward's Register. His neglect to do this caused a great many Choctaw Indians to lose both their lands and improvements, for both were taken from them by the government and sold; and this caused a good many complaints among the Choctaw Indians, so that in 1837, congress appointed a commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act of August 23rd of that year, another commission was appointed for the same purpose. Both commissions heard claimants under article fourteen of the treaty of 1830, and made lists of names.

Q. Do you know whether any of your ancestors went before either of th se commissions and claimed benefits under article fourteen of the treaty of 1830? A. I don't know.

The act of Cong ress of August 23, 1842, provided that if any Choctaw Indian had lands or improvements taken from him and sold by the government, that he should be entitled to select other lands in their place from the vacant government lands in Mississippi, Alabama, Louisiana and Arkansas. These certificates which were issued to such Indians was called scrip.

Q. Did any of your ancestors receive any of this scrip? A. I don't know.
Q. Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws A . I am the first I guess.
Q. Have you any other evidence, o witnesses you want to introduce in support of your application? A. I have got them but not here.
Q. Do you want time in which to introduce other evidence? A. Yes, sir.

Thirty days will be a lowed in which to present your testimony in support of this claim, including your marriage certificate of yourself and wife; and also the marriage certificate of Henry Reaves and Ida Reaves, the parents of the orphan children.

Q. Do you speak the Choctaw language? A. No, sir.
Q. Is there anything further you want to say at this time in support of this application? A. No, sir.
Q. You don't know how much Choctaw blood you have? A. No, sir.

Q. You could not have one half, could you? A. Not on my father's side.
Q. You don't claim through your father? A. No, sir.
Q. Do you mean to say that three generations back, your father's father was a full blood Indian? A. Yes, that's what they said.

This applicant has the appearance and the typical characteristics of having descended from African parentage, and has the full features of an African; black and curly hair, black skin, and he does not understand or speak the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of Article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceedings on April 30, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in same.

S. A. Apple

Subscribed and sworn to before me this 7th day of May, 1902.

Notary Public.

J. Fat
Corr.

[redacted]

In the matter of the application of Thomas Reeves, et al., for identification as Blackfeet Cherokee, N.D.No.5165.

---(DECISION)---

It appears from the record herein that application for identification as Blackfeet Cherokee was made by Thomas Reeves for himself and his three minor children, Ida, Maud and Lee Reeves, for his minor nephew, Murphy Hensley, and for his niece-in-law, Bobbie Haynes, under the following provision of the act of Congress approved June 25, 1910 (36 Stats.,858):

[redacted]

It also appears that all of said applicants claim rights in the Cherokee Lands under certain decrees of the Court of Claims and the United States and the Cherokee Nation, contained Supreme Court

seventh, eighteen hundred and thirty, by reason of being descendants of Duchkahomi (or Duchesneah), who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10,,1898 (30 Stats.,495).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore have claimed thereunder, that the said Duchkahomi (or Duchesneah), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats.,189) and August 23, 1842 (5 Stats.,513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to recognize the identity of Thomas

[illegible] Bixby, Tams Bixby, Ed Byrne, Benjy Byrne and Minnie Bruner, as former Indians entitled to rights in the Choctaw Nation under the provisions of said article fourteen of the treaty of Dancing Rabbit Creek, and that the application for enrollment of such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

OCT 30 1907

Miss.Choctaw 2442.

Muskogee, Indian Territory, May 23,1902.

Thomas Reeves,

Greenville, Texas,

Dear Sir:

Receipt is hereby acknowledged of marriage license and certificate between Thomas Reeves and Mrs. Sarah Bryant, and affidavit of Catherine Franklin, which are offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same have been filed with the record in this case.

Yours truly,

Acting Chairman.

Miss.Choctaw 1442.

Muskogee, Indian Territory, May 23,1904.

Frank Whitera,

Tyngewood, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 17, inclosing marriage license and certificate between Thomas Reaves and Mrs. Sarah Bryant, and affidavit of Catherine Franklin, which you offer insupport of the application of Thomas Reaves, et al., for identification as Mississippi Choctaws. The same have been filed with the record in that case and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

M S 2 [illegible]

Muskogee, Indian Territory, July 28, 1906.

Frank Whiten,
Doggy Depot, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you ask to be advised the present status of "Mississippi Choctaw Claim No. 3442, and if the proof now on file seems sufficient to establish such claim."

In reply you are informed that Mississippi Choctaw case No. 3442 covers the application for identification as Mississippi Choctaws of Thomas Reaves, age fifty years, and his minor children Ada, Mamie, Leo, Murphy and Hattie Reaves, residence, Greenville, Texas. No decision has yet been reached nor opinion rendered relative to the right of these persons to identification as Mississippi Choctaws. When a decision is rendered they will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

The Commission cannot express an opinion as to the sufficiency of evidence offered in support of applications for identification as Mississippi Choctaws until the cases are taken up for

COPY. M.C.R. 5442

Muskogee, Indian Territory, October 30, 1902.

Thomas Reaves, Remailed Caddo I.T. Dec 16, 1902
Greenville, Texas. May 4 1903

Dear Sir:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Thomas Reaves, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Reaves, Ada Reaves, Mamie Reaves, Jen Reaves, Murphy Reaves and Hattie Reaves, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) Tarne Dixby.

Acting Chairman.

Registered.

M.C.R. 6442

Muskogee, Indian Territory, October 30, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Thomas Reaves, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Reaves, Ada Reaves, Jamie Reaves, Len Reaves, Murphy Reaves and Mattie Reaves as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

COPY

-2-

file arguments in such cases, and that at the expiration it said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) Tams Bixby.

Acting Chairman.

Miss Choctaw 2442

Muskogee, Indian Territory, November 11, 1902.

Thomas Reaves,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 9, asking that your mail be forwarded to Caddo, Indian Territory.

You are advised that your change of post office has been made a matter of record. You are also advised that on October 30, 1902, a letter was forwarded to you from this office by registered mail to your former address at Greenville, Texas, which you can secure by instructing the post master at that place to forward same to your present address.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Thomas Reaves, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 30, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tams Bixby.
Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 enc. M.C.R. 5442.

(COPY)

Land.
69,062-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,
February 10, 1903.

The Honorable
The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application of Thomas Reaves for the identification of himself and his three minor children, Ada, Mamie and Len Reaves, his minor nephew, Murphy Reaves, and his minor niece, Hattie Reaves, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the commission on October 30, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Bushkahoni (or Bushconah), who, it is alleged, was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of the ancestor, through whom they claim, did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830,

and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of [redacted], and it is discovered that the name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being true, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(W.C.B.

P.

(COPY)

D.C.No.5923-1903.

DEPARTMENT OF THE INTERIOR. RAF.
WASHINGTON.

ITD.1512-1903. February 27, 1903.
L R S

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 15, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Thomas Reaves and his minor children, Ada, Mamie and Len Reaves, and his minor nephew Murphy Reaves, and his minor niece Hattie Reaves, including your decision of October 30, 1902, adverse to the applicants.

They claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Bushkahoni (or Bushochah), alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Bushkahoni, or an ancestor less remote, complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837(5 Stat.,180),and August 23,1842(5 Stat.,513).

Reporting February 10,1903,the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and it is hereby affirmed.

Respectfully,
(Signed)
Thos. Ryan
Acting Secretary.

1 inclosure.

M.C.R. 5542.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Martha S. Ellis,

Center, Indian Territory.

Dear Madam:

You are hereby notified that on the 2nd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Nevada K. Ellis, et al., of which decision you were advised by registered mail on the 20th day of November, 1902.

Respectfully,

Tams Bixby.
Chairman.

M.C.R. 5442.

COPY.

Muskogee, Indian Territory, March 13, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 27th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Thomas Reaves, et al., of which decision you were advised by mail on the 30th day of October, 1902.

Respectfully,

Tams Bixby.
Chairman.

M.S.B. 3848.

COPY.

Muskogee, Indian Territory, March 13, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 2nd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Nevada K. Ellis, et al., of which decision you were advised by mail on the 20th day of November, 1902.

Respectfully,

Tams Bixby.
Chairman.

M.C.R. 5448.

COPY.

Muskogee, Indian Territory, March 13, 1908.

Thomas Reaves,

Gaddo, Indian Territory.

Dear Sir:

You are hereby notified that on the 27th day of February, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Thomas Reaves, et al., of which decision you were advised by registered mail on the 30th day of October, 1908.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

M B R 8648

Muskogee, Indian Territory, May 4, 1903.

Thomas Reaves,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you state "I did not get your letter of the 9th day of November. If I was notified to come up there I did not get the letter at all."

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor children as Mississippi Choctaws. On October 30, 1902, the Commission rendered its decision refusing your application, and on the same date you were notified by registered mail of the action of the Commission, and that you would be allowed fifteen days from the date of said decision within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior.

The fifteen days heretofore granted in this case expired on November 14, 1902. On November 15, 1902, the record in your case, together with the decision of the Commission refusing your application, was forwarded to the Secretary of the Interior.

On February 27, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application,

2 2 2

of which department action you were duly advised on March 18, 1905.

The letter advising you of the refusal by the Commissioner of your application for enrollment was delivered to Drumright, Okla., and returned to this office marked "unclaimed." Said letter was on September 16, 1905, remailed to you at Eadle, Indian Territory, and again returned as "unclaimed." This letter is to-day remailed you at Eadle, Indian Territory.

Respectfully,

Chairman.

No. 5442

For Identification as a Mississippi Choctaw.

Date APR 30 1902

Name Thomas ~~Reed~~ Reaves,

Age 50 Blood don't know,

Post-Office, Greenville, Texas.

Father: Harry Reaves. dec'd

Mother: Harriet " " d

Claims through mother

wife Sarah Reaves. d. colored.

No claim for wife.

Children:

~~Len Reaves (M) 6~~

~~Ada " (F) 16~~

~~Mamie " 13~~

Ada Reaves — 16

Mamie " 13

Len " 6

nephew and niece —

Murphey Reaves, 14

Hattie Reaves,

father Harry Reaves (d) dec'd —

Mother Ida Reaves (d) Miss.

Cherokee claim thru father.

don't know blood.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

UNCLAIMED

MUSKOGEE MAY 6 730PM

CADDO JUN 16 11AM 1903 I.T.

Thomas Reaves,

~~Caddo, Indian Territory.~~

5442

File

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CHAIRMAN

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Commission to the Five Civilized T
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.
Thomas Reaves,
Caddo,
I. T.

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CHAIRMAN.

MUSKOGEE, I.T.
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Choctaw MCR 5443

Maggie H. E. Holloway

by

William T. Elliott

See MCR 157

MCR 5443

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T., May 1, 1902.

5443

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In the matter of the application of William T. Elliott for the identification of his daughter, Maggie H. E. Holloway, and his two grand-daughters, Lucille Frances Holloway and Minnie Lee Holloway.

Applicant represented by L. P. Hudson, Attorney.

William T. Elliott, being first duly sworn, testified in reference to the application which he makes for his daughter and his two grand-children as follows:

Examination by the Commission.

Q. What is your name? A. William Thomas Elliott.
Q. What is your age? A. I was sixty-five last November.
Q. What is your post-office address? A. Chattanooga, Tenn.
Q. You are making application today for your daughter, Maggie H. E. Holloway and her two minor children, Lucille Frances and Minnie Lee Holloway? A. Yes sir.
Q. And you are making application for your daughter because she is unable to be present in person, and you present this doctor's certificate in proof of that fact? A. Yes sir.

A doctor's certificate showing that Maggie H. E. Holloway is unable to attend at her application is filed herewith, marked "Exhibit A", and made a part of the record in this case.

Q. You are the father of Maggie Holloway, aren't you? A. Yes sir.
Q. What is your wife's name? A. Louisa Frances Marion Elliott. And I will state right here to keep you from getting confused about her name. When I married her she never changed her name. Our fathers were half brothers.
Q. Was she a relative of yours? A. Yes, about a third cousin, I believe it would be.
Q. Is she living now? A. No, she has been dead ten years.
Q. Through which parent does your daughter claim Choctaw blood? A?Through her mother
Q. How old is your daughter, Maggie? A. She was born in 1879, and is now twenty-three years of age.
Q. How much Choctaw blood do you claim? A. I don't claim any.
Q. Through whom does your daughter claim? A. Her mother.
Q. You claim for your daughter and her two children? A. Yes sir.
Q. How old is Lucille Frances Holloway? A. She was born April 21, 1900, and is two years old.
Q How old is the other child? A. I have not got her age. She is an infant--born last October, and is about six months old.
Q. Your daughter, Maggie , claims through which parent, you or her mother? A. Through her mother.
Q. How much Choctaw blood did her mother have? A. One sixteenth, said to be.
Q. Your daughter claims how much? A. One half of that, I suppose. One thirty-second.
Q. What is her husband's name, the father of these children? A. Walter J. Holloway.
Q. Is he a white man or an Indian? A. A white man.
Q. He claims no Choctaw blood? A. None at all.
Q. Is the name of your daughter or her minor children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. I dont know that they are.
Q. Did she ever live in Indian Territory with her husband? A. No.
Q. What is the name of her husband? A. Walter J. Holloway.
Q. Is he the father of these children? A. Yes sir.
Q. Do you know where she was married to her husband, Walter J. Holloway? A. In the city of Chattanooga.
Q. What date? A. February 23, 1898.
Q. Have you the date of your marriage to your wife? A. I was married to her on the 28th day of May, 1858.
Q. Give me the date of your daughter's birth? A. She was born September 18, 1879.
Q. Where was she born? Q. At Chattanooga ? A. No, she was born in Bedford county, Tennessee.
Q. Has any application for citizenship in the Choctaw Nation ever been made for your daughter Maggie, and her children, previous to this application to the Choctaw tribal authorities or to the United States authorities in Indian Territory? A. No,sir.
Q. Has she or her mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A. No,sir.

Q. Neither your daughter nor her mother has ever been recognized by the tribal authorities in any way? A. Not to my knowledge.
Q. Has any one ever made application for your daughter, Maggie, for citizenship in the Choctaw Nation, or for her minor children, either to the Dawes Commission or any other authority under the act of Congress of June 10, 1896? A. No, sir.
Q. There has been no application made previous to this time? A. No, sir; not to my knowledge.
Q. No application has been made for her and her children before this time either to the Dawes Commission or to the Choctaw tribal authorities? A. No, sir.
Q. Do you now come before the Commission for the purpose of identifying your daughter and her two minor children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A. Yes, sir.
Q. Do you understand that article of that treaty? A. I don't know that I do; I have read it.

This treaty was made in Mississippi at a place called Dancing Rabbit Creek between the United States government and and the Choctaw Tribe of Indians, on the 27th day of September, 1830. Before the treaty could be concluded, however, it became known that a good many Choctaw Indians would refuse to go from the old Choctaw Nation in Mississippi to the Choctaw Nation in Indian Territory, and in order to protect the interests of those Indians who stayed back, this article fourteen was drawn up and put in the treaty of 1830; and that article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty; in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. Do you know if any of the ancestors of your daughter, Maggie, or her children, ever complied or attempted to comply with the provisions of this article of that treaty? A. I don't know that they did. I don't know the old record of the family.
Q. What is the name of the ancester of your daughter through whom she claims to be identitifed as a Mississippi Choctaw? A. Richard Vernon.
Q. What relation was he to her? A. He was my wife's great-grandfather.
Q. And would be your daughter's great-great-grandfater? A. Yes, sir.

Q. How much Choctaw blood did he claim? A. He was a full-blood.
Q. Did he live in Mississippi in 1830? A. I don't know.
Q. Did he live in Alabama in 1830? A. I can't answer that.
Q. Did he ever live in Mississippi or Alabama in the old Choctaw Nation? A. I don't know.
Q. Do you know the names of any of your daughter's ancestors who lived in Mississippi or Alabama in the old Choctaw Nation in 1830? A. I do not.
Q. What proof or evidence have you that your daughter, Maggie, was descended from Choctaw Indians, who being Indians had to live in Mississippi or Alabama in the old Choctaw Nation? A. I have no proof only family record, traced back to Richard Vernon.
Q. Does your family record show who of your daughter's ancestors lived in this old Choctaw Nation in Mississippi and Alabama? A. I don't know.
Q. Do you know how old Richard Vernon would be if he were living now? A. I do not. He has been dead a good many years.
Q. You cannot give the name of a Choctaw ancestor of your daughter who was the head of a family in the old Choctaw Nation in 1830? A. No, sir.
Q. Did any of her ancestors own any improvements on any lands either in Mississippi or Alabama in 1830? A. I don't know.
Q. Did any of your daughter's ancestors go to Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830, and tell him they wanted to remain and take lands and become citizens of the states? A. I don't know whether they did or not.
Q. Did any of your daughter's Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory with the other Indians between 1833 and 1838 and 1840? A. Not that I know of.
Q. Did any of them own or claim any lands in Mississippi and Alabama under article 14 of the treaty of 1830? A. I can't answer that.

The Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of the treaty of 1830, to go to Col. Ward, the United States Indian Agent, within six months after the ratification of the treaty, and tell him they wanted to stay, take lands and become citizens of the States. A great many did this whose names Col. Ward failed to put upon his list known as "Ward's Register". His neglect to do this caused a good many Indians who held lands and improvements to lose both the land and improvements, for both were taken from them by the Government and sold. This caused a great many complaints among the Choctaw Indians, so that in 183?, by an act of Congress of March 3rd of that year, a commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act of August 23rd of that year, congress appointed another commission for the same purpose. Both these commissions heard claimants in Mississippi under article fourteen of the treaty of 1830.

Q. Did any of your daughter's ancestors go before either of these commissions and claim any benefits under article fourteen of the treaty of 1830? A. I don't know.

By act of Congress of August 23, 1842, it was provided that all those Choctaw Indians who claimed under the treaty of 1830 and who had had lands or improvements taken from them in Mississippi or Alabama by the Government and sold, would be entitled to select other lands from vacant government land in Mississippi, Alabama, Arkansas or Louisiana in place of those taken from them; and a certificate was issued to them by the Government for such lands and these certificates were called scrip.

Q. Did any of your daughter's Choctaw ancestors ever receive any of thisescrip as Choctaw Indians? A. I don't know.
Q. Has your daughter had any relatives who have appered before the Commission at any time for identitifation as Mississippi Choctaws? A. Halfacre's family have appeared. They are related. And the Goodmans have also appeared.
Q. Give me the full name of one of them? A. J. F. Halfacre has appeared.
Q. Who is Richard H. Vernon? A. That is a relative.
Q. Do you want your daughter's case consolidated and considered with the case of Richard H. Vernon, et al., here referred to as No. 157? A. Yes, sir.
Q. Is there anything more you want to say in support of this application at this time? A. No, sir.
Q. Do you want to introduce any more testimony, and do you want any time allowed in which to introduce other evidence? A. No, sir.

No further time will be allowed for the introduction of evidence in support of this application.

Q. Does your daughter speak or understand the Choctaw language? A. No, sir.
Q. What is her personal appearance? A. She has a dark complexion.
Q. Has she any of the features, or does she look like an Indian? A. She has dark skin, and her mother was very dark. Her eyes are black, and her hair is black.
Q. What are the appearances of your daughter's children? A. One is dark and the other is light.
Q. Which is light? A. Minnie Lee, the younger, is light.
Q. There is nothing more you can think of is there? A. No, sir.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 1, 1902; and that the foregoing is a full, true and correct transcript of his stenographic notes in same.

S A Apple

Subscribed and sworn to before me this 2nd day of May, 1902.

Notary Public.

Meridian Miss
Sept 18th 1901

William Thomas Elliott
Atty in fact for
Maggie Hunter Elliott Holloway.
The Choctaw Nation.

Now comes William Thomas Elliott by his attorney L. P. Hudson and asks that he be allowed to appear before the Commission to the five civilized Tribes for in behalf of his daughter Maggie Hunter Elliott Holloway, and make application for the enrollment as a Mississippi Choctaw Indian, and to be allowed to make a record in her case, That she cannot appear personally on account of her health, see affidavits hereto attached, also Power of Atty & Physicians certificate

William Thomas Elliott
By L. P. Hudson
Atty.

Meridian Mississippi
Sept. 18th 1901

William Thomas Elliott being
first duly sworn deposes and
says, That he is the father of
Maggie Hunter Elliott Halloway.
Who on the 12th day of September
1901 Executed a certain power
of attorney to this affiant, which
is hereto attached, Empowering
this affiant to appear for her
and in her behalf and to make
a record in her case in support
of her application for a divorce
in Mississippi. Affiant further
That he is in possession of all
the facts in said case and could
testify as fully to all the material
facts in said case as she might
do if present and testifying
in person before said Commis-
sioner. Her power of attorney
recites the facts hereto attached
and made a part hereof.

William Thomas Elliott

Subscribed and sworn to before
me this 18th day of Sept A.D. 1901

J. Hardy Notary Public.

Meridian Miss
Sept 16th 1901

To the Commission to the five
Civilized Tribes
Muskogee Miss.

Gentlemen Please
file papers hereto attached and
forward the same to the Office
at Muskogee I.T. That the same
may be passed on by one of
the members of the Commission.
This request is made, as no member
of said Commission is at this
place and no Office, who
will grant a written decision
in said case, thus making it
impossible to appeal from said
said decision in due time to
the party making this application

Respt
P Hudson
Atty for Applicant

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Meridian, Mississippi, October 4th, 1901.

Mr. L. P. Hudson,

Attorney at law,

Ardmore, Indian Territory,

Dear Sir:-

Replying to your letter of September 18th, 1901, addressed to the Commission at Meridian, Mississippi, enclosing petition of William Thomas Elliott, requesting permission to appear before the Commission on behalf of his daughter, Maggie Hunter Elliott Holloway, and her infant child, Lucille Frances Holloway, the affidavit of William Thomas Elliott, power of attorney executed by Mrs. Maggie Hunter Elliott Holloway and her husband-Walter J. Holloway-in favor of William Thomas Elliott, and certificate of Dr. W. S. Nolan as to the physical condition of Maggie Hunter Elliott Holloway; I have to advise that the following letter has just been received at this office from the Commission at Muskogee, Indian Territory:

"Muskogee, Indian Territory, September 30, 1901.

Mr. William O. Beall,
C/e Five Tribes Commission,
Meridian, Mississippi.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 18, 1901, enclosing certain papers relative to the application of William Thomas Elliott, for permission to appear before the Commission and make application for the enrollment of his daughter, Maggie Hunter Elliott Holloway, and his grand-daughter, Lucile Frances Holloway.

You are directed to permit said William Thomas Elliott

to make application as aforesaid upon filing certificate of physician as to the inability of the said Maggie Hunter Elliott Holloway to appear in person.

Papers received from you are herewith returned.

Yours truly,

(Signed) Tams Bixby
Acting Chairman."

You are informed that the office of the Commission at Meridian, Mississippi, will be closed after the 10th instant.

Yours truly,

Guy L. V. Emerson

Office of	COUNTY COURT CLERK HAMILTON COUNTY, TENNESSEE		J. N. McCUTCHEON, Clerk J. W. JOHNSON, Chief Deputy E. J. DILLARD, Deputy

Chattanooga, Tenn. Apr 19 1902

This is to Certify that Mrs Maggie Elliott Holloway of Chattanooga Tennessee is in such a Condition as to prevent her from leaving home being recently in Childbirth—

W L Nolen MD
Attending Physician

State of Tennessee }
Hamilton County } Personally appeared before me J. N. McCutcheon Clerk of the County Court of said County. W L Nolen M.D. Who Makes Oath in due form of law. that the foregoing Statement is true & Correct to the best of his Knowledge information and belief W L Nolen MD

Sworn to and subscribed
this 19 day of April
J N McCutcheon Clerk
By E J Dillard D.C.

Ex "a"

✕ 6443

Eva,

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 1 1902

Acting Chairman.

COPY.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 5443.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 31, 1902.

Maggie E. E. Holloway,

Chattanooga, Tennessee.

Dear Madam:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Richard H. Vernon, et al., embracing the following applications for identification as Mississippi Choctaws:

Richard H. Vernon, et al.,	M. C. R.	157
Annie Payne, et al.,	M. C. R.	158
Charlie P. Vernon,	M. C. R.	164
Hettie E. Buchanan, et al.,	M. C. R.	375
James C. Kelley, et al.,	M. C. R.	377
James F. Vernon, et al.,	M. C. R.	378
Mary Stanfield, et al.,	M. C. R.	805
David G. Vernon, et al.,	M. C. R.	807
Christie Croan, et al.,	M. C. R.	808
Frank McDonough,	M. C. R.	809
Ida McDonough,	M. C. R.	810
Mary McDonough,	M. C. R.	811
John T. Vernon,	M. C. R.	812
George W. Vernon, et al.,	M. C. R.	813
William Stanfield,	M. C. R.	814
William L. Vernon, et al.,	M. C. R.	815
Sarah A. McDonough, et al.,	M. C. R.	876
John Frederick Halfacre, et al.,	M. C. R.	878
Mary M. Goodman, et al.,	M. C. R.	880
John B. Vernon, et al.,	M. C. R.	1003
Nancy A. McKinnon, et al.,	M. C. R.	1017
Lovilla A. Holland, et al.,	M. C. R.	1018
Oliver P. Vernon, et al.,	M. C. R.	1296
Elderage C. Vernon, et al.,	M. C. R.	1299
Charlie S. Vernon, et al.,	M. C. R.	1300
Francis M. Vernon, et al.,	M. C. R.	1362
Jefferson Vernon, et al.,	M. C. R.	1406
James M. Vernon, et al.,	M. C. R.	1480
Fannie F. Elliott,	M. C. R.	3571
Minous J. Elliott, et al.,	M. C. R.	3572
Knacy T. Elliott,	M. C. R.	3573
Charles M. Elliott, et al.,	M. C. R.	3574
James L. Elliott, et al.,	M. C. R.	3575

Walter J. Elliott,	M. C. R. 3576
Robert S. Elliott,	M. C. R. 3577
Martha A. Gibson, et al.,	M. C. R. 3578
Martha Jane Hughey, et al.,	M. C. R. 1301
Bertha M. Bryant, et al.,	M. C. R. 1444
Matilda E. Jefferson, et al.,	M. C. R. 4330
Maggie H. E. Holloway, et al.,	M. C. R. 5443

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495,) is as follows:

> 'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Richard H. Vernon, Pearly May Vernon, Minnie Irene Vernon, Otha Ellen Vernon, Annie Payne, Virgil Payne, Walter Elbert Payne, Charlie P. Vernon, Hettie E. Buchanan, Charles H. Buchanan, Mary F. Buchanan, James Wm. Buchanan, Eddie E. Buchanan, Lucy A. Buchanan, Gracie E. Buchanan, James C. Kelley, Mary A. Kelley, Mattie L. Kelley, Andrew I. Kelley, Chaude G. Kelley, Howard A. Kelley, Johnie B. Kelley, Steller V. Kelley, James F. Vernon, Myrtle A. Vernon, Benjamin B. Vernon, Willie B. Vernon, Maudie U. Vernon, Johnnie L. Vernon, Samuel A. Vernon, Mary Stanfield, James Stanfield, Luannie Stanfield, Alice Standfield, Frank Stanfield, David G. Vernon, Emma J. Vernon, John Yancy Vernon, Rob. C. Vernon, Samuel Henry Vernon, Lula May Vernon, Christie Croan, Edith Croan, Edward Croan, Stella Croan, Frank McDonough, Ida McDonough, Mary McDonough, John T. Vernon, George W. Vernon, Rhodie Parelee Vernon, Leurah Glades Vernon, William Stanfield, William L. Vernon, Mary E. Vernon, Nevada Edna Vernon, Willie B. V. Vernon, Lula B. Vernon, Roy G. Vernon, Sarah A. McDonough, Thomas Edwards McDonough, Perry Washington McDonough, John Frederick Halfacre, John Everett Halfacre, Charley Alonzo Halfacre, Solon Sylvester Halfacre, Frederick Audustus Halfacre, Thomas Edwin Halfacre, Rosa Lee Halfacre, Annie May Halfacre, Mary M. Goodman, Sudie Irene Goodman, Mary Cleveland Goodman, William Clyde Goodman, Noma Ethel Goodman, Gus Adolph Goodman, Maggie Jensey Goodman, John B. Vernon, Charlie H. Vernon, John J. Vernon, George Vernon, Bessie Vernon, Carl Vernon, Gladys Lillian Vernon, Nancy A. McKinnon, George P. McKinnon, David McKinnon, John C. McKinnon, James A. McKinnon, Newton G. McKinnon, Adelbert A. McKinnon, Lovilla A. Holland, Ernest Ray Holland, Elbert Clair Holland, Roy Cecil Holland, Oliver P. Vernon, Nancy Agnes Vernon, Exer C. Vernon, Odis C. Vernon, Elderage C. Vernon, William N. Vernon, Calla R. Vernon, Henry D. Vernon, Addie C. Vernon, Elderage C. Vernon, Charlie C. Vernon, Verdice E. Vernon, Charlie S. Vernon, Ernest Vernon, Amos Vernon, Florence Vernon, Francis M. Vernon, Ida B. Vernon, John M. Vernon, Nancy L. Vernon, Altie L. Vernon, Jefferson Vernon, Robert R. Vernon, Edna E. Vernon, Lydia E. Vernon, James M. Vernon, Eddie K. Vernon, James O. Vernon, Arthur B. Vernon, Maudie L. Vernon, Fannie F. Elliott, Minous J. Elliott, Callie Elliott, Knacy T. Elliott, Charles M. Elliott, Jessie C. Elliott, Thomas J. Elliott, Garnet A. Elliott, Charles M. Elliott, Jr., James L. Elliott, William H. Elliott, Walter J. Elliott, Robert S. Elliott, Martha A. Gibson, Paul E. Gibson, Nellie L. Gibson, Martha Jane Hughey,

James Nehemiah Hughey, Dora Hughey, Thomas Hughey, Lizzie Hughey, Clarence Hughey, Dewey Hughey, Charles M. Hughey, Bertha M. Bryant, Dollie M. Bryant, Matilda E. Jefferson, William Walter Jefferson, Clarence Virgill Jefferson, Jennie Grace Jefferson, Homer Vernon Jefferson, Maggie H. E. Holloway, Lucille Frances Holloway and Minnie Lee Holloway, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) Tams Bixby

Acting Chairman.

Registered.

"11" 013.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5443

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 22, 1902.

Maggie H.E. Holloway,

Chattanooga, Tennessee.

Dear Madam:

You are hereby notified that on the 11th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Richard H. Vernon, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

Acting Chairman.

M.C.R. 5443.

COPY

Muskogee, Indian Territory, November 15, 1906.

Maggie H. E. Holloway,
Care of William T. Elliott,
Chattanooga, Tennessee.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office by Albert J. Lee, attorney at law, Ardmore, Indian Territory, on June 23, 1906, for reconsideration of the consolidated Mississippi Choctaw case of Richard H. Vernon, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

POWER OF ATTORNEY.

Mrs. Maggie H. E. Holloway

TO

William T. Elliott

Dated 189

1

POWER OF ATTORNEY.

Printed and for sale by MacGowan & Cooke,
719 Cherry St., Chattanooga

Know All Men by These Presents, That We, Mrs Maggie Hunter Elliott Holloway and husband Walter J Holloway

have made, constituted and appointed, and by these presents do make, constitute and appoint William Thomas Elliott, father of Mrs Maggie Hunter Elliott Holloway our true and lawful attorney for us and either of us and in our name, place and stead, To employ counsel, execute all papers necessary, file claim and prosecute suit or suits for such interest as he may think due to above Mrs. Maggie Hunter Elliott Holloway and our child Lucile Francis Holloway either or both, by, through or under the Choctaw Indian Tribe of the United States of America, To compromise such claims upon such terms as he thinks proper, to receive and receipt for all proceeds, money, debts or effects in connection therewith. And in fact to collect and recover whatever may be due either and to receive and receipt for the same. This Power of Attorney is submitted and executed without reservation giving and granting unto said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully, to all intents and purposes, as we or either of us might or could do if personally present, with full power of substitution and revocation; hereby ratifying and confirming all that our said attorney or his substitute lawfully shall do or cause to be done by virtue hereof.

IN WITNESS WHEREOF, we have hereunto set our hands and seal the 12th day of September in the year One Thousand, Nine Hundred and One

Sealed and Delivered in Presence of

Mrs Addie Elliott

Mrs Maggie Hunter Elliott Holloway [SEAL]

Walter J Holloway [SEAL]

STATE OF Tennessee
County of Hamilton

Before me J. M. McCutcheon a County Court Clk duly appointed, commissioned and qualified in and for the County and State aforesaid, personally appeared Mrs Maggie Hunter Elliott Holloway and her husband Walter J Holloway the within named bargainors, with whom I am personally acquainted, and who acknowledged that they executed the above Instrument for the purposes therein contained.

And Mrs Maggie Hunter Elliott Holloway wife of the said Walter J Holloway having appeared before me, privately and apart from her husband, the said Mrs. Maggie Hunter Elliott Holloway acknowledged the execution of the said Instrument to have been done by her freely, voluntarily, and understandingly, without compulsion or constraint from her said husband, and for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and Seal at office in the City of Chattanooga on this the 12 day of September 1901

J. M. McCutcheon
Co. Court Clk

Office Of

County Court Clerk,

HAMILTON COUNTY, TENNESSEE.

J. N. McCutcheon, Clerk.

Chattanooga, Tenn., ... 19.....

STATE OF TENNESSEE)
)
HAMILTON COUNTY) Personally appeared brfore me, J.N.McCutcheon, County Court Clerk for the saidhCounty and State, Dr W.L. Nolen, who being first sworn, deposed and said that he is the attending Physician on Mrs. Margie Hunter Elliott, Hollow ay, and she is unable to attend Court, or leave home on any accpount whatever.

W L Nolen MD

Sworn to and subscribed before me this Sept 16th. 1901.

J N McCutcheon
Co Court Clk.

No. 5143

For Identification as a Mississippi Choctaw.

Date MAY 1 1902

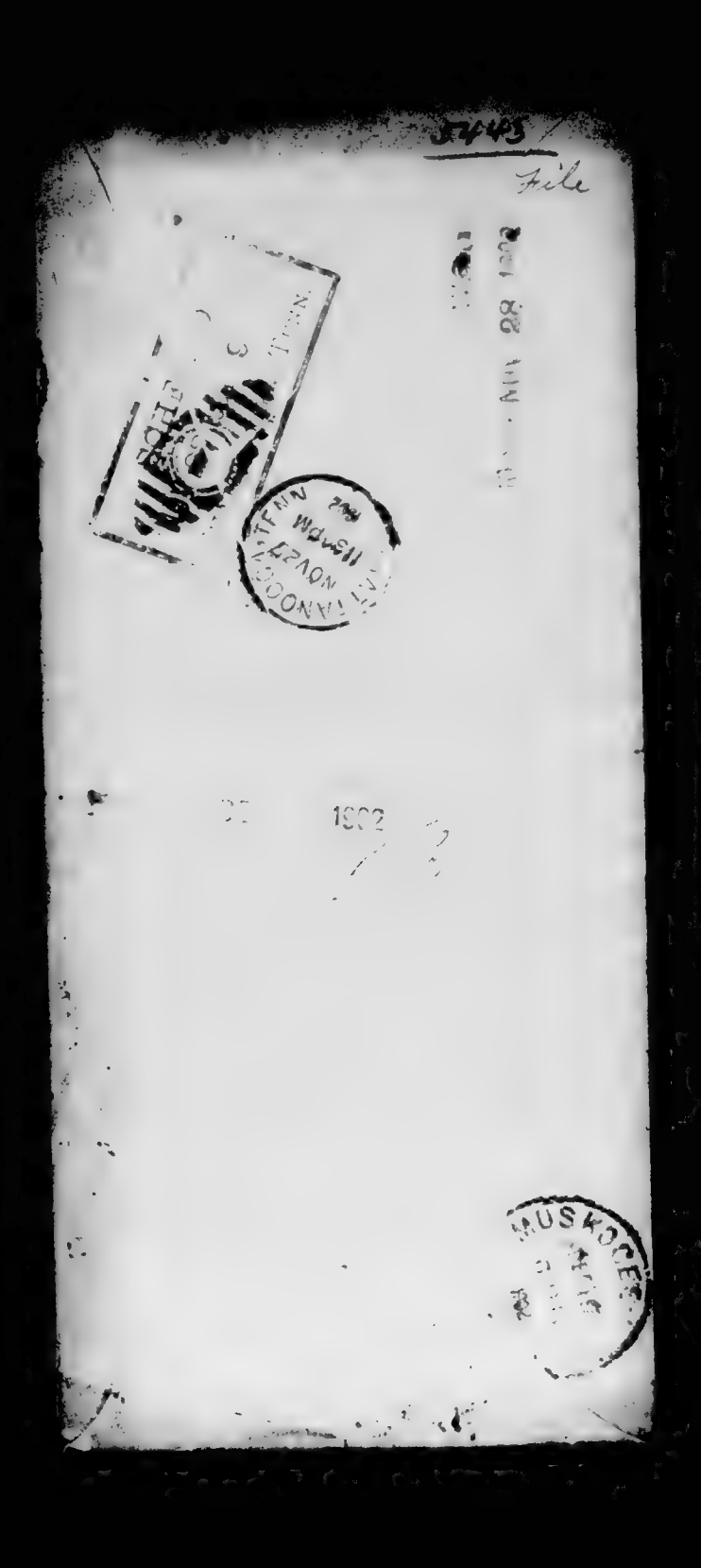
Name William T. Elliott
(for daughter and 2 grand children)
Age 65 ~~Wife~~

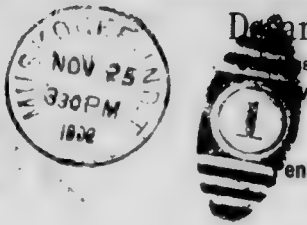
Post-Office, Chattanooga, Tenn.
Father: of Maggie H.E. Holloway
William T. Elliott - d
Mother: ~~Name~~ Louisa F. M. Elliott, d

~~Claimant thereafter~~ claims for
Maggie H.E. Holloway, d. 23.
and her 2 children
Lucille Frances Holloway, 2
Minnie Lee " , 6m

~~Children~~:
Maggie H.E. Holloway and
her minor children
claim chor. blood thro
her (mother - 1/16)
Maggie H.E. Holloway 1/32
Children's blood - 1/64.
father of grand children,
Walter J. Holloway, W.M.
mother
Maggie H.E. Holloway chor.
claims for daughter &
2 grand daughters

Stenographer S.A. Apple


File
1893



Department of the Interior.
...sion to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
...enalty for private use, $300.



Maggie E. Holloway,

Chattanooga, Tennessee.

Choctaw MCR 5444

William T. Sanders

See MCR 4006

MCR 5444

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 1, 1903.

5444

------:------

In the matter of the application of William T. Sanders for the identification of himself and his two minor children, Louis Burke Sanders and Wilda D. Sanders, as Mississippi Choctaws.

Applicant represented by J. C. Ralls, Attorney, and J. C. Ralls is represented at this examination by Winfield S. Farmer, Attorney.

William T. Sanders being first duly sworn testified as follows:

Examination by the Commission.

Q. What is your name? A. William T. Sanders.
Q. How old are you? A. I am fifty years old.
Q. What is your post-office address? A. Amarillo, Potter county, Texas.
Q. How long have you lived there? A. Three years.
Q. Where did you live before that? A. In Moore county, Texas.
Q. How long did you live there? A. I lived there near Dumas post-office, about eight years.
Q. Have you always lived in Texas? A. Yes, sir,
Q. What is your father's name? A. W. T. Sanders.
Q. Is he dead? A. I heard that he was. I can't tell you.
Q. You don't know whether he is dead or not? A. No, sir.
Q. Is your mother dead? A. Yes, sir.
Q What was her name? A. Nancy Jane Thompson was her maiden name.
Q. Through which parent do you claim Choctaw blood? A. My mother.
Q. How much do you claim? A. I don't know.
Q. Has your mother ever been recognized in any way of enrolled as a member of the Choctaw Tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A. Not that I know of.
Q. Are you married? A. Yes, sir.

Q. How many children have you that you want to make application for? A. Two.
Q. How many under twenty-one and unmarried? A. Two, both unmarried.
Q. Your lawyer is J. D. Falls, is he? A. Yes, sir.
Q. What is your wife's name? A. Etta E. Sanders.
Q. Do you claim for her? A. No, sir.
Q. She is not an Indian then? A. No, sir.
Q. She is white, is she? A. Yes, sir.
Q. Give me the name of your oldest child? A. Louis Burke Sanders.
Q. How old is he? A. Sevens years old.
Q. How old the next one? A. The next is a girl.
Q. What is her name? Wilda D. Sanders.
Q. How old is she? A. Five years old.
Q. Is that all of your children? A. Yes, sir.
Q. Is your name or the names of either of your children on any of the tribal rolls of the Choctaw Nation? A. Not that I know of.
Q. Is Etta E. Sanders the mother of these two children? A. Yes, sir
Q. And you are their father? A. Yes, sir.
Q. When and where were you married to your wife? A. In Moore county, Texas. Dumas post-office; on the 27th day of September, 1894.
Q. By a minister under a license? A. Yes, sir.
Q. Have you the proof of the marriage of yourself and wife with you? A. Yes, sir. Here it is.

Marriage license presented to examiner.

Q. Is this the original marriage license? A. Yes, sir.

The original marriage license and certificate of marriage of W. T. Sanders and Etta E. McNabb is presented by applicant and is herewith filed, makked "Exhibit A", and made a part of the record in this case.

Q. Have you ever made application for citizenship for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A. Not until now.
Q. Have you ever made application for citizenship for yourself and children to the Choctaw tribal authorities or to any authority whatever, for citizenship in the Choctaw Nation? A. No, sir.
Q. Is this the first application you have made to any authority for citizenship in the Choctaw Nation? A. This is the first.
Q. Have you or your children ever been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities or the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A. No, sir.
Q. Do you now come before the Commission to be identified, you and your children, as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A. Yes, sir.
Q. Do you understand that article? A. No, not right well. I believe I understand it well enough.
Q. Do you care to have it explained further? A. No, sir.
Q. You understand it without further explanation? A. I think I do.

Without explanation, it reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that article of that treaty? A. Not that I know of.
Q. What is the name of your ancestor through whom you claim the right to be identitifed as a Mississippi Choctaw? A. Kaziah Thompson.
Q. What relation was Kaziah Thompson to you? A. She was my grand mother.
Q. Whom did she marry? A. Fleming J. Thompson.
Q. Was he a white man? A. Yes, sir.
Q. How much Choctaw blood did Kaziah Thompson have? A. I cannot tell you.
Q. Did she live in Mississippi or Alabama in 1830 and have a family there? A. She lived in Mississippi and Alabama.
Q. Did she live in the old Choctaw nation in Mississippi or Alabama in 1830? A. I don't know.
Q. Do you know whether she was the head of a family in Alabama or Mississippi in 1830? A. I don't know. I can't say as to that.
Q. Do you know whether she had a Choctaw Indian name and spoke the Choctaw language? A. No, sir. I never heard her speak it.
Q. Did you ever hear her say whether she had any Choctaw blood? A. I cannot say now that I have ever heard her say so.
Q. She never made any allusion to being a Choctaw to you, did she? A. No, sir.
Q. How old was she when you knew her? A. She was seventy-two.
Q. At what time did she die? A. She died in 1868 or 1869.
Q. You never heard anything about her being a Choctaw? A. No, sir.
Q. Did any of your ancestors own any improvements on any lands in Mississippi or Alabama in 1830? A. Not that I know of.
Q. Did any of your ancestors within six months after the ratification of the treaty of 1830 go to Col. Ward, the United States Indian Agent, and tell him they wanted to take lands there and become citizens of the States? A. I don't know.

Q. Did any of them go from the old Choctaw nation in Mississippi and Alabama to the Choctaw Nation in Indian Territory with other Indians between 1833 and 1838 and 1840? A. I know nothing about that.

Q. Did any of them own or claim any lands or improvements in the old Choctaw nation in 1830? A. I don't know.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi after the treaty of 1830 was ratified were required, if they wanted to take advantage of that article, to go to the United States Indian Agent, Col. Ward, within six months after the ratification of that treaty, and tell him that they wantedto stay in Mississippi, take lands there, and become citizens of the States. A great many Indians did this whose names Col. Ward failed to put upon his list, known as "Ward's Register". His neglect to make a proper and complete record of all Indians who came before him caused a great many Indians in Mississippi to lose both their land and their improvements, for they were both taken from them by the Government and sold. This causeda good many complaints among the Choctaw Indians, so that in 1837, Congress appointed a Commission by an act of March 3rd of that year, which commission went to Mississippi and heard claimants under the article fourteen of the treaty of 1830. In 1842 another Commission was created, by an act of August 23rd of that year, for the same purpose. Both commissions heard claimants in Mississippi under article fourteen of the treaty of 1830 and made lists of their names.

Q. Do you know whether any of your ancestors ever appeared before either of these Commissions at that time and claimed benefits as Choctaw Indians? A. I don't know.

Q. You never heard Kaziah Thompson say that she went before either of them? A. No, sir.

Q. She never talked to you about Col. Ward, did she? A. I believe I have heard her say something about him. I remember his name but I don't know what it was she said.

The act of Congress ~~of Congress~~ of August 23, 1842, provided that if any person who remained in the old Choctaw Nation and complied with the provisions of article fourteen of the treaty of 1830, and afterwards had his lands taken from from him and sold by the Government, he should be entitled to select lands from the vacant government lands in Mississippi, Alabama, Arkansas or Louisiana in place of the lands taken from him and sold. Certificates were issued to such persons and these certificates were called scrip.

Q. Did any of your Choctaw ancestors ever receive any of this scrip? A. Not that I know of.

Q. Who is Scott S, Dumas? A. My cousin.

Q. You have a great many relatives, all of whom claim under the common ancestor, Kaziah Thompson, haven't you? A. Yes, sir.

Q. Do you want to have your case and your relatives claiming through the same ancestor consolidated all under one case? A. Yes, sir.

Q. Do you speak the Choctaw language? A. No, sir.

Q. Did any of them go from the old Choctaw nation in Mississippi and Alabama to the Choctaw Nation in Indian Territory with other Indians between 1833 and 1838 and 1840? A. I know nothing about that.
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Q. You have a great many relatives, all of whom claim under the common ancestor, Kaziah Thompson, haven't you? A. Yes, sir.
Q. Do you want to have your case and your relatives claiming through the same ancestor consolidated all under one case? A. Yes, sir.
Q. Do you speak the Choctaw language? A. No, sir.

Q. A great deal of evidence has already been introduced in these cases---do you care for more time in which to introduce other evidence in support of your application? A. No, I don't care for more time.
Q. Is there anything more you want to say at this time in support of this application? A. I don't think so. Unless it is about my mother's complexion.
Q. Well, what was her complexion? A. She was dark; and she was of medium size. When she was 72 years old she didn't have a grey hair in her head.
Q. How were her eyes? A. I don't know.
Q. Did she speak the English language? A. Yes, sir.
Q. Didn't speak Choctaw language? A. No, I think not.
Q. What was the color of her eyes ? A. Grey, I beleive.
Q. Do you speak the Choctaw language? A. No, sir.

Cross Examination by W. C. Farmer, on the part of the Applicant.

Q. Mr. Sanders, who was your grandmother before she married? A. Her name was Brashears.
Q. In the event you are identified as a Mississippi Choctaw by the Commission to the Five Civilized Tribes, Mr. Sanders, do you intend to move into the Choctaw Nation and reside there? A. Yes, sir; that is my intention.

This applicant has the appearance and physical appearance and characteristics of being descended from white parents. He has grey eyes, a florid complexion, dark brown hair, a light brown mustache, a little grey. He does not understand or speak the Choctaw language, and has no knowledge of any compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 1st, 1902; and that the foregoing is a full, true and correct transcript of his stenographic notes in same.

S. A. Apple

Subscribed and sworn to before me this 2nd day of May, 1902.

Notary Public.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

5444.
M. C. R.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

William T. Sanders,

Amarillo, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.	M. C. R. 4740
Andy Brasher. et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al,	M. C. R. 5700
Carrie McConico, et al,	M. C. R. 5520
Bernard A. Williams, et al.	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
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These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malty Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madaline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signature)

Chairman.

Registered.

MCR-5444

COPY.

Muskogee, Indian Territory, January 22, 1906.

William T. Sanders,

Amarillo, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott vs. Dumas, et al., of which, the application for the identification of yourself and minor children, Louis Burke and Wilda D. Sanders, as Mississippi Choctaws, is a part.

Respectfully,

Tams Bixby

SIGNED

Commissioner.

For Identification as a Mississippi Choctaw.

Date MAY 1 1902

Name William T. Sanders.

Age 50 Blood Don't Know.

Post-Office, Amarillo, Texas.

Father: W. T. Sanders, —

Mother: Nancy J. " d

Claims through mother

wife. Etta E Sanders, w. c

No claim for her.

Children:

Louis Burke Sanders, 7

Wilda M. 5 " 5

Claim for each

& sworn.

Stenographer J. A. Apple

Receipt of the Commissioner of the [illegible]

[illegible] of the [illegible] of [illegible] for [illegible]

[illegible] application of [illegible], et al., [illegible]

[illegible], 1941.

[illegible]

Territory, [illegible].

Choctaw MCR 5445

John F Sanders

See MCR 4006

MCR 5445

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 1, 1902.

M C - 5445

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In the matter of the application of John F. Sanders for identification of himself and his three minor children, Robert D. Sanders, Cynthia Beatrice Sanders and Turner Lee Sanders, as Mississippi Choctaws.

Applicant represented by J. C. Ralls, Attorney.

John F. Sanders having been first duly sworn testified as follows:

Examination by the Commission.

Q. What is your name? A. John F. Sanders.
Q. How old are you? A. I am fifty-eight years old.
Q. What is your post-office address? A. Sulphur Bluff, Hopkins county , Texas.
Q. How long have you lived there? A. Four years.
Q. Where were you born? A. In Mississippi, Calhounty county.
Q. You went from Mississippi to Texas? A. Yes, sir.
Q. When did you leave Mississippi? A. In 1854 I went to Texas and have lived there ever since.
Q. Is your father living? A. No, sir.
Q. Is your mother living? A. No, sir.
Q. What was your father's name? A. William T. Sanders.
Q. What was your mother's name? A. Nancy Jane Sanders.
Q. Through which parent do you claim Choctaw blood? A. My mother.
Q. How much Cod you claim? A. About one-eighth. I am not positive.
Q. Was your mother ever recognized in any way or enrolled as a member of the Choctaw Tribe of Indians in Indian Territory? A. No, not that I know of.
Q. Are you married? A. Yes, sir.

Q. How many minor children have you? A. I have three, not of age.
Q. Is your wife living? A. Yes, sir.
Q. Is she a Choctaw Indian or a white woman? A. She is white.
Q. What is her name? A. Elizabeth Jane Sanders.
Q. Do you make any claim for her? A. No, sir.
Q. Give me the name of your oldest child under age? A. Robert D. Sanders.
Q. How old is he? A. Seventeen.
Q. Next? A. Cynthia Beatrice Sanders.
Q. How old? A. She's fifteen.
Q. The next one? A. Turner Lee Sanders.
Q. How old? A. Eleven years old.
Q. Do you claim for yourself and these children A. Yes, sir.
Q. Is Elizabeth J. Sanders the mother of these children? A. Yes.
Q. Are you and your wife living together as husband and wife? A. We are.
Q. And these three children are with you at your home? A. Yes, sir.
Q. When and where were you married to your wife? A. I was married to her in 1870, on the 29th day of September.
Q. By a minister under a license? A. Yes, sir.
Q. Where were you married to her? A. In Collin county, Texas.
Q. Have you proof of your marriage with you? A. Not with me.
Q. Can you supply it if given time? A. Yes, it will be sent soon.

A reasonable time will be allowed for that purpose.

Q. Is your name or the names of any of your children on any of the tribal rolls of the Choc taw nation in Indian Territory? A. No, sir. Not that I know of.
Q. Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw Tribal authorities or to the United States authorities in Indian Territory? A. No, sir.
Q: Have you ever made application for the enrollment of yourself and children as citizens of the Choctaw Nation to the Commission to the Five Civilized Tribes under act of Congress of June 10, 1896? A. No, sir.
Q. Have you ever made application before this time for the enrollment of yourself and children to any authority whatever? A. A. No, sir. I have not.
Q. Have you ever been admitted to citizenship in the Choctaw Nation with your children by any authority whatever? A. I have not.
Q. Do you now come before the Commission to be identified and to identify your children as Mississippi Choctaws? A. Yes, sir.
Q. And you claim the right to enrollment under article fourteen of the treaty of 1830? A. Yes, sir.
Q. Do you understand that article of that treaty? A. No, sir.

The treaty of 1830 was made at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September, 1830; and the object of the treaty was to remove all the Choctaw Indians in the old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory. Before the treaty was signed it became known that a good many Choctaws would not go to the Choctaw Nation in Indian Territory, and in order to protect the interests of those Indians who refused to go article fourteen was drawn up and put in the treaty of 1830.

The article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. Do you know if any of your ancestors ever complied or attempted to comply with any of the provisions of that article? A. I have heard them talk about these things but I have no knowledge of the facts.
Q. What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A. Kaziah Thompson---her maiden name was Kaziah Brashears.
Q. How much Choctaw blood did she have? A. I don't know correctly.
Q. Did she live in Mississippi in 1830? A. Not that I know of.
Q. Did she live in Alabama in 1830? A. I think she lived in Alabama.
Q. Where in Alabama? A. I am not positive that she lived there. I don't know. I think they came from Kentucky to Alabama at an early day.
Q. You cannot say whether she lived in Mississippi or Alabama in the old Choctaw Nation and was the head of a family there in 1830? A. I can't say.
Q. When and were your father and mother married? A. In Alabama, about the year 1840.
Q. What relation was Kaziah Thompson to you? A. She was my grandmother,--my mother's mother.
Q. Where was your mother born? A. In Alabama.
Q. Where in Alabama? A. In Fayette county.
Q. Is she dead? A. Yes, sir.
Q. How old would she be if living now? A. She would be 70 or 72 years of age.
Q. If she was born 72 years ago in Fayette county, Alabama, then she was living in Alabama about the year 1830, wasn't she? Yes, sir.
Q. Then your grandmother lived there in 1830? A. Yes, sir.
Q. Did your grandmother own land there at that time? A. I can't say. I think so, though. I think they owned land, I have heard them say. Grandfather owned land there.
Q. Where did he get it? A. I don't know.
Q. You are talking about Fleming J. Thompson now? A. Yes, sir.
Q. Did you ever hear that he got that land from the government? A. No, sir.

Q. He was a white man, wasn't he? A. Yes, sir.
Q. And it was his wife who had the Choctaw blood? A. His wife was the Choctaw.
Q. Did you ever hear that that land was really his wife's land, and that she got it from the government? No, sir.
Q. And that he held it for her, she having received it from the government? A. No, I don't remember.
Q. How old would Tazial Thompson be if she were living now? A. Something like eighty years of age.
Q. When did she die? A. In 1850. About that time.
Q. About how old would she be if living now? About eighty or ninety years old
Q. Did any of your Choctaw ancestors own any improvements on lands in Mississippi or Alabama in 1830? A. I don't know.
Q. Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to Colonel Ward, the U. S. Indian Agent, and tell him they wanted to stay back there, take lands and become citizens of the States? A. I don't know.
Q. Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River with the other Indians who went to Choctaw Nation in Indian Territory between 1833 and 1838 and 1840? A. Not that I know of.
Q. Did any of your Choctaw ancestors own or claim any lands in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A. Not that I know of.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen, to go to the United States Indian Agent, Col. Ward, within six months from the ratification of the treaty, and tell him that they wanted to stay, take lands and become citizens of the States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as "Ward's Register". His neglect to do this caused a good many Choctaw Indians in Mississippi to lose not their lands and improvements, for both were taken from them by the government and sold. This caused a good many complaints among the Choctaw Indians, so that in 1837, by an act of Congress of March 3rd of that year, a commission was appointed and sent to Mississippi to hear claimants under article fourteen of the treaty of 1830. In 1842, on the 23rd day of August of that year, another commission was appointed for the same purpose. Both commissions heard claimants under article fourteen of the treaty of 1830 and made lists of such names as came before them.

Q. Do you know whether any of your ancestors ever went before either of those commissions and claimed benefits under that article? A. I don't know.
Q. Did any of your ancestors ever receive any scrip from the government as Mississippi Choctaws, which entitled them to receive lands from the vacant lands in Mississippi, Alabama, Louisiana or Arkansas, which entitled them to receive lands in the place of those taken from and sold?
A. Not that I know of.
Q. Who was Scott S. Dumas? A. A son of Jim Dumas.
Q. A relative of yours. A. Yes, sir.
Q. Has he made application to the Commission to be identified as a Mississippi Choctaw? A. Yes, sir.

Q. A great many others have applied claiming from the same ancestor, Kaziah Brashears, haven't they? A. Yes, sir.
Q. Do you want your case consolidated and considered with all of them who claim from the same ancestors? A. Yes, sir.

The time has nearly arrived when the applications will be closed in this case. A great many have testified already, and there is much evidence given touching this case, all of which will be considered in your application.

Q. So you don't care for more time in which to introduce other testimony, do you? A. No, I believe not. Everything is in, I guess, that can be gotten in.

This case will soon be considered. You will be given fifteen days from this date in which to introduce what other evidence you desire.

Q. Will that be long enough? A. Did the others have till June 1st?

This case will be closed on June 1st, and you can have until then, but we would like the evidence you may have in as soon as possible.

Q. Do you know of any more testimony you want to introduce? A. No, sir. I believe not.
Q. Do you speak the Choctaw language? A. No, sir.
Q. Nothing more you want to say now in support of your claim? A. No. But I want to make a correction as to grandmother Thompson's age---if living now she would be about one hundred years old.

Examination by Attorney Farmer, for J. G. Ralls.

Q. Did you ever see your grandmother? A. Yes, sir.
Q. You spoke of hearing your father and mother mention the treaty of 1830? A. I remember it, but I don't know what it was they said.
Q. In the event you are enrolled as a Mississippi Choctaw by the Commission to the Five Civilized Tribes, is it your intention to take lands in Indian Territory and live here? A. Yes, sir.

This applicant has the appearance and physical characteristics of being descended from white parents; he has blue-gray eyes, fair complexion, brown hair, sprinkled with gray. He has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 1st, 1902; and that the foregoing is a full, true and correct transcript of his stenographic notes in same.

S A Apple

Subscribed and sworn to before me this 7th day of May, 1902.

Charles H Lamyer
Notary Public.

COPY.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5445.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

John F. Sanders,

Sulphur Bluff, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al ,	M. C. R. 4740
Andy Brasher. et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H Roth,	M. C. R. 5845
Mary E. Carothers, et al ,	M. C. R. 5700
Carrie McConico, et al ,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al ,	M. C. R. 4285
Maria J. Crawford, et al ,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al..	M. C. R. 4114
Jennie B H Calhoun, et al..	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al ,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al..	M C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al ,	M. C R. 4119
Birdie D. Carlet, et al..	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al..	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al ,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C R. 4284
Minnie P. Dumas,	M. C R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al ,	M. C. R. 4631
Roxanna Freeman, et al ,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al ,	M C. R. 5805
William E. Aston, et al.,	M. C R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al ,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malty Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenon W Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madaline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James Sibley.

Chairman.

Registered.

MCR-5445

COPY.

Muskogee, Indian Territory, January 5, 1906.

John F. Sanders,

Sulphur Bluff, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott D. Dumas, et al., of which, the application for the identification of yourself and minor children, Robert D., Cynthia L. and Turner Lee Sanders, as Mississippi Choctaws, is a part.

Respectfully,

[illegible]

Commissioner.

For Identification as a Mississippi Choctaw.

Date MAY 1 1902

Name John F. Sanders.

Age 58 Blood 1/8 (?)

Post-Office. Sulphur Bluff. Tex.

Father: William T. Sanders d

Mother: Laney J. " d

Claims through mother.

wife.

Elizabeth J. Sanders, l. w.

No claim for wife —

Children:

Robert W. Sanders, 17

Cynthia B " 15

Turner Lee " 11

Claims for resp & 3 minors —

Stenographer S. A. Apple.

Received of the Commission to the Five Civilized Tribes one copy of the testimony of John W. Sanders in the matter of the application for identification as Mississippi Choctaws of John W. Sanders et al. D.C. 5445.

Dated at Muskogee, Indian Territory, June 30, 1908.

J. Y. Rail

Choctaw MCR 5446

Nancy J. Whortow

See MCR 4006

MCR 5446

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 1, 1902.

M C - 5446 -

In the matter of the application of Nancy J. Whorton for identification of herself and her minor child, Mabel Whorton, as Mississippi Choctaws.

Applicant was represented by Attorney. W. S. Farmer who represented J. G. Ralls, Attorney for Applicants.

Mrs. Nancy J. Whorton after being duly sworn testified as follows:

Examination by the Commission.

Q. What is your name? A. Nancy J. Whorton.
Q. How old are you? A. Twenty-seven yearsold.
Q. What is your post-office address? A. Klondike, Texas.
Q. Is your father living? A. Yes, sir.
Q. He has made application today to be identified as a Mississippi Choctaw? A. Yes, sir.
Q. Is your mother living? A. Yes, sir.
Q. What is your father's name? A. John F. Sanders.
Q. And your mother's name is what? A. Elizabeth J. Sanders.
Q. Through which parent do you claim? A. My father.
Q. How much do you claim? A. One-sixteenth, he is one-eighth.
Q. Has your father ever been recognized in any way or enrolled by the Choctaw tribal authorities or the United States authorities in Indian Territory? A. No, sir.
Q. He has never lived in Indian Territory? A. No, sir.
Q. And he could not have been enrolled unless he lived here? A. No, he has never been enro lled.
Q. Have you proof of the marriage of your father and mother? A. No, not here, but it will be sent to you later.
Q. You are married, are you? A. Yes, sir.
Q. Have you any children? A. I have one.
Q. What is your husband's name? A. Winfield Scott Whorton.
Q. Is he living? A. Yes, sir.
Q. Is he a Choctaw or a white man? A. He is a white man.
Q. Do you make any claim for him? A. No, sir.

Q. How many children have you? A. I have one.
Q. What is its name? A. Mabel Whorton.
Q. How old is she? A. Five years old.
Q. Is W. S. Horton the father of Mabel? A. Yes, sir.
Q. Were either you or your husband married before you married to each other? A. No, sir.
Q. You are living together as husband and wife and the child is with you? A. Yes, sir.
Q. Do you claim for yourself and child? A. Yes, sir.
Q. Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation? A. No, sir.
Q. Have you ever made application for citizenship for yourself and child to the Choctaw tribal authoriries or to the United States authorities in the Indian Territory? A. No, sir.
Q. Did you ever make application to the Commission to the Five Civilized Tribes for Choctaw citizenship under the act of Congress of June 10, 1896? A. No, sir.
Q. Have you ever made application previous to this time, either to the Choctaw tribal authorities or the United States authorities? A. No, sir.
Q. Have you or your children ever been recognized or admitted as a Choctaw citizen by the Commission to the Five Civilized Tribes of by the United States Court in Indian Territory? A. No, sir.
Q. Do you now come before the Commission to be identified and to identify your child as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A. Yes, sir.
Q. Do you understand that article of that treaty? A. No sir.

The treaty of 1830 was made in Mississippi at a place called Dancing Rabbit Creek, on the 27th day of September of that year. The object of the treaty was to remove as far as possible all the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation in Indian Territory; but before the treaty was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation in Indian Territory, so article fourteen was drawn up and put in the treaty of 1830 to protect the rights of those Choctaws who remained in Mississippi.

That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. Did any of your Choctaw ancestors comply or attempt to comply with any o` the provisions of that article of that treaty? A. I don't know.
Q. You claim your Choctaw blood from what ancestor? A. From my father.
Q. Go back further, you claim your right to be identified through whom? A. Th ough my father.
Q. You claim through the same ancestor that your father does, don't you? A. Yes, sir.
Q. You don't know anything about your Choctaw ancestry, do you' A. I know very little.
Q. What have you heard about your Choctaw ancestors? A. I don't know.
Q. Do you know anything about Kaziah Thompson? A. No, sir.
Q. What relation would she be to you' A. She would be my great-grandmother.
Q. Have you ever heard whether she lived in the old Choctaw Nation in Mississippi? A. No, sir.
Q. Have you he ard whether shewas the head of a family in Mississppi in 1830? A. No, sir.
Q. Do you know when she was born and where? A. No, sir.
Q. Did any of your Choctaw ancestors own any improvements on lands in Mississippi or Alabama in 1830? A. I don,t know.
Q. Did any of them go to Col. Ward, the U. S. Indian Agent, and tell him that they wanted to stay, take lands and become citizens of the states, within six mogths after the ratification of the treaty of 1830.. A. I don,t know.
Q. Did any of your Choctaw ancestors go with other Indians from the old Choctaw Nation in Mississippi to the Choctaw Nation in Indian Territory between 1833 and 1838 and 1840? A. I don8t know.
Q. Did any of your Choctaw ancestors ever comply in any way with the provisions of article fourteen of the treaty of 1830? A. I don,t know.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of the provisions of that article, to go to the United States Indian Agent, Colonel Ward, within six months from the time the treaty of 1830 was ratified and tell him that they wanted to stay, take lands and become citizens of the States. A great many Choctaw Indians did this whose names Colonel Wrad failed to put upon his list, known as "Ward's Register". His neglect to do this caused a good many of the Choctaw Indians in Mississippi to lose both their lands and improvements, for both were taken from them and sold by the government at its public land sales. This caused many complaints among the Indians, so that in 1837, by an act of Congress passed March 3rd of that year, a commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. Another commission was appointed in 1842, by an act of Congress of August 23rd of that year, for the same purpose. Both commissions heard claimants under article fourteen of the treaty of 1830, and made lists of such names as came before them.

Q. Do you know whether any of your Choctaw ancestors ever went before either of these commissions and claimed benefits under article fourteen of the treaty of 1830? A. I don't know.
Q. Did any of your Choctaw ancestors receive any scrip from the government which entitled them to take lands from the vacant government lands in Mississippi, Alabama, Louisiana and Arkansas in lace of those lands which had been taken from by the government and sold? A. I don't knew.
Q. These certificates or scrip, as it was called, was issued under the act of Congress of August 23, 1842-- you don't know that any of your ancestors received any of it? A. No, sir.
Q. Is Scott S. Dumas a relative of yours ? A. Yes, sir.
Q. Have you any other relatives who have appeared before the Commission to be identified as Mississippi Choctaws? A. yes/ sir.
Q. Do you want to have all these cases claiming under the same ancestry to be consolidated and all considered together by the Commission? A. Yes, sir.

They will be consolidated and known under the number of the application of Scott S. Dumas, which is No. 4006.

Q. Do you care for any further time in which to introduce other evidence? A. No, sir.

Examination by W. S. Farmer, Attorney, representing J. G. Ralls, Attorney for Applicant.

Q. In the event you are identified as a Mississippi Choctaw by the Commission to the Five Civilized Tribes, is it your intention to move to Indian Territory and become a citizen? A. It is.

By the Commission.

Q. Do you speak the Choctaw language? A. No , sir.

This applicant has the appearance and physical characteristics of being descended from white parentage She has blue eyes, brown hair, and a fair complexion. She does not speak or understand the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

E. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 1st, 1902; and that the foregoing is a full, true and correct transcript of his stenographic notes in same.

E. A. Apple

Subscribed and sworn to before me this 7th day of May, 1902.

Charles N. Haskell Notary Public.

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES,
C. R. BRECKINRIDGE,
W E STANLEY

ALLISON L AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5446.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Nancy J. Thorton,

Klondike, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H Roth,	M. C. R. 5845
Mary E. Carothers, et al ,	M. C. R. 5700
Carrie McConico, et al ,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al ,	M. C. R. 4285
Maria J. Crawford, et al ,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B H Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al ,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C R. 4077
Pinkie Creager, et al ,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al ,	M. C R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M C. R. 4658
Susan M. Hendricks,	M. C. R 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al ,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C R. 4284
Minnie P. Dumas,	M. C R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al ,	M C. R. 5805
William E. Aston, et al.,	M. C R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al ,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R 3414
Winnie D. Canon,	M C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malty Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D Wade, Grennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madaline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Chairman.

Registered.

MCR-5446

COPY.

Muskogee, Indian Territory, January 22, 1906.

Nancy J. Whorton,

Flondike, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for the identification of yourself and minor child, Mabel Whorton, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

No. 5146

For Identification as a Mississippi Choctaw.

Date MAY 1 1902

Name Nancy J Whorton

Age 27- Blood 1/16

Post-Office, Klondike, Texas

Father: John F. Sanders, l

Mother: E. J. Sanders. l

Claims through father -
husband
Winfield Scott Whorton l. w.

No claim for husband

Children:

Mabel Whorton. 6-

Claims for self & child

Stenographer J.A. apple.

[illegible] Valine Tr. [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [

Choctaw MCR 5447
Laura L. Boucher
See MCR 5696

MCR 5447

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Laura L. Boucher, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Laura L. Boucher, et al.,	M.C.R. 5447
Lara M. Mitchell, et al.,	" 5696

---- I N D E X ----

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Laura L. Boucher, et al. M.C.R. 5447.

	Page
Original application of Laura L. Boucher, et al., to the Dawes Commission for identification as Mississippi Choctaws, -	1
Original application of Lara M. Mitchell, et al., to the Dawes Commission for identification as Mississippi Choctaws, -	8
Decision of the Commission refusing the application of Laura L. Boucher, et al., for identification as Mississippi Choctaws, - - - - - - - - - - - - - - -	10

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 1st, 1902.

M C - 3447 -

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In the matter of the application of Laura L. Boucher for identification of herself and two minor children, Galard Boucher and Reuben Boucher, as Mississippi Choctaws.

Applicant represented by Frank A. Pierce, Attorney.

Laura L. Boucher, after being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Laura L. Boucher.
Q. How old are you? A. I am fifty-four years of age.
Q. What is your post-office address? A. Sugden, Ind. Ter.
Q. How long have you lived there? A. About five months.
Q. Where were you born? A. In Missouri. In Polk county.
Q. And you went from there to Texas? A. Yes, sir.
Q. How long did you live in Texas? A. About 26 years.
Q. Where did you live in Texas? A. Parker county.
Q. Is your father living? A. No.
Q. Is your mother living? A. No.
Q. What was your father's name? A. John Lively.
Q. What was your mother's name? A. Nancy Jane Lively.
Q. What was her maiden name? A. She was a Keith.
Q. Through which parent do you claim the right to be identified as a Mississippi Choctaw? A. Through both.
Q. How much did your father claim to have? A. My father claimed one-eighth.
Q. You would get one-sixteenth there. How much do you get from your mother? A. I can't tell how much Choctaw she claimed.
Q. Have your parents ever been recognized or in any way admitted or recognized as Choctaw Indians in Indian Territory? A. No, sir.

Q. Can you tell when and where your father and mother were married?
A. No, sir. I cannot tell without the record.
Q. Can you introduce that proof later? A. I guess I can.
Q. Do you know where they were married? A. In Mississippi I suppose.
Q. Do you know? A. I am confident they were married somewhere about the Mississippi line.
Q. Are you married? A. Yes, sir.
Q. Is your husband living? A. Yes, sir.
Q. What is his name? A. P. J. Boucher.
Q. Is he a white man or a Choctaw Indian? A. He is a white man.
Q. Do you claim for him? A. No, sir.
Q. Have you any children under twenty-one and unmarried for whom you wish to make application? A. I have two.
Q. Give me the name of the oldest? A. Galard Boucher.
Q. A boy? A. Yes, sir.
Q. How old is he? A. Twenty years old.
Q. What is the name of the next one? A. Reuben Boucher.
Q. How old is he? A. Seventeen.
Q. Is P. J. Boucher the father of these children A. Yes, sir.
Q. Are you and your husband living together and the boys with you? A. Yes, sir.
Q. Is your name or the names of the children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No, sir.
Q. Have you ever made application for enrollment as a citizen of the Choctaw Nation to the Choctaw tribal authorities or to the United States authorities in Indian Territory? A. No, sir.
Q. Have you ever made application for the enrollment of yourself and children as citizens of the Choctaw Nation under the act of Congress of June 10, 1896? A. No, sir.
Q. Have you ever before this time applied to be enrolled as Choctaw Indian to any authority whatever? A. I have not.
Q. This is your first application? A. Yes, sir.
Q. You have never been admitted to citizenship by any authorities whatever, in the Choctaw Nation? A. No, sir.
Q. Do you now come before the Commission to be identified and to identify your children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A. Yes, sir. I reckon so.
Q. Do you understand that article of that treaty? A. No, sir.

The treaty of 1830 was made between the United government and the Choctaw Tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September of that year. The object of the treaty was to remove as far as possible all the Choctaw Indians from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory, but before the treaty was signed it became known that a great many Choctaw Indians would not go to Indian Territory, and it was for the purpose of protecting those stayed that article fourteen was put into the treaty.

Artcle fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over ten years of age and a quarter

section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A. Lively is my father's name.
Q. Go back further and give me the name of some of your older ancestors? A. Severs was my grandmother's name on my father's side.
Q. Can you give the name of an ancestor on your mother's side? A. I don't know that I can.
Q. What was the name of your father's mother after she was married? A. Mary Lively (nee Severs.)
Q. That is on your father's side? A. Yes, sir.
Q. Through whom do you claim on your mother's side? A. They have been dead a long time and I cannot give them. When I was small I heard them talk about my mother's people being Indians, but I cannot remember their names.
Q. Can't you give any of the names on your mother's side? A. I believe that Cody was the name of my grandmother on my mother's side. That was her name before she was married.
Q. Whom did she marry? A. John Keith.
Q. Your grandmother Cody married John Keith, a white man? A. Yes, sir.
Q. How much Choctaw blood did she have? A. I cannot say.
Q. You don't know? A. I only know they claimed it.
Q. You are not able to state, then, the quantity of Indian blood you want to apply for, or as having? A. No sir. My father's mother was a quarter.
Q. That would make your father how much? A. One-eighth.
Q. And you would have how much from that side? A. One-sixteenth, I reckon.
Q. Did any of your ancestors receive or claim any lands under article fourteen, in Mississippi? A. I don't know.
Q. Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to Colonel Ward, the United States Indian Agent, and tell him they wanted to stay in Mississippi and take lands and become citizens of the States? A. I don't know.
Q. Did any of them own any lands in the old Choctaw Nation in Mississippi in 1830? A. Not that I know of.
Q. Did any of your Choctaw ancestors go from the old Nation in the east of Mississippi River with other Indians who went to Choctaw Nation in Indian Territory between 1833 and 1838 and 1840? A. I don't know. I had a half-brother who went there, but I cannot tell where and when.
Q. None of your ancestors went, did they? A. No, sir.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go within six months after the treaty was ratified to Colonel Ward, the United States Indian Agent, and tell him that they wanted to remain, take lands and become citizens of the States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as "ward's Register". His neglect to do this caused a great many Indians in Mississippi to lose both their lands and improvements, for both were taken from them and sold by the government at its public lands sales. This caused so many complaints among the Choctaws that congress in 1837, by an act of March 3rd of that year, appointed a commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 congress appointed another commission, by an act of August 23rd of that year, for the same purpose. Both these commissions heard claimants under article fourteen of the treaty of 1830, and made lists of such names as appeared before them.

Q. Did any of your ancestors go before either of these commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A. Not that I know of.

Q. Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select lands in place of those taken from them and sold, from vacant government lands in Mississippi, Alabama, Louisiana or Arkansas? A. No, sir.

Q. This scripwas issued under the act of Congress of August 23, 1842, and it was to give the Choctaws who had lost their lands other lands in their place. You don,t know that any of your ancestors received any of it? A. No, sir.

Q. Have you any relatives who have previously come before the Commission to be identifiedas Mississippi Choctaws? A. Not that I know of.

Q. Have you any other evidence you want to introduce now in support of this claim? A. No, sir. Not here.

Q. If you would like a little time in which to introduce other evidence you may have it. It is suggested that if you have any other evidence that you introduce it before the 1st of June, 1902; that give you thirty days. A. That is long enough.

This applicant will be allowed until the 1st of June next in which to introduce other evidence, if she desires.

Q. Is there any thing more you want to say at this time in support of your claim? A. No, I believe not.

This applicant has the appearance and physical characteristics of being descended from white parents; has medium fair complexion, dark eyes, brown hair, and has no knowledge of the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 1, 1902; and that the above and foregoing is a full and correct transcript of his notes in same.

S. A. Apple

Subscribed and sworn to before me May 7, 1902.

Charles N. Haskell

Notary Public.

D.W.L.
C.O.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Laura L. Boucher, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Laura L. Boucher, et al.;	M.S.R. 5467
Laura M. Mitchell, et al.;	" 5894

— DECISION —

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Laura L. Boucher for herself and her two minor children, Galard and Reuben Boucher, and by Laura M. Mitchell for herself and her six minor children, Steven Curtis and Nadie May Terry, and Mattie Belle, Ida, Willie Thelma and Estella Mitchell, under the following provision of the act of Congress approved June 28, 1898 (30 Stats.,495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Mary Lively (nee Severs), who is alleged to have been a one-quarter blood Choctaw Indian, and _____ Keith (nee Cody), who is alleged to have been a Choctaw Indian woman (degree of blood not given).

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Lively (nee Severs), or any one by the name of Keith (or Cody), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either

of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Laura L. Boucher, Galard Boucher, Reuben Boucher, Lura M. Mitchell, Steven Curtis Terry, Nedie May Terry, Mattie Belle Mitchell, Ida Mitchell, Willie Thelma Mitchell and Estelle Mitchell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory.

DEC 21 1900

M.C.R.5447.

COPY.

Muskogee, Indian Territory, December 1, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Laura L. Boucher, et al., embracing the following applications for identification as Mississippi Choctaws:

Laura L. Boucher, et al.,	M.C.R.5447
Lura M. Mitchell, et al.,	M.C.R.5696

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Laura L. Boucher, Galard Boucher, Reuben Boucher, Lura M. Mitchell, Steven Curtis Terry, Madie May Terry, Mattie Belle Mitchell, Ida Mitchell, Willie Thelma Mitchell and Estella Mitchell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

M, McM. & C. S.

time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby.
Acting Chairman.

M.C.R.5447.

COPY.

Muskogee, Indian Territory, December 1, 1902.

Francis A. Pierce,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:-

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Laura L. Boucher, et al., embracing the following applications for identification as Mississippi Choctaws:

Laura L. Boucher, et al.,	M.C.R.5447
Lura M. Mitchell, et al.,	M.C.R.5696

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Laura L. Boucher, Calard Boucher, Reuben Boucher, Lura M. Mitchell, Steven

Curtis Terry, Nedie May Terry, Mattie Belle Mitchell, Ida Mitchell, Willie Thelma Mitchell and Natalia Mitchell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signed)

Tams Bixby

Acting Chairman.

Registered.

F.L.

M.C.R.5447.

COPY.

Muskogee, Indian Territory, December 1, 1902.

Laura L. Boucher,

Sugden, Indian Territory.

Dear Madam:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Laura L. Boucher, et al., embracing the following applications for identification as Mississippi Choctaws:

Laura L. Boucher, et al.,	M.C.R.5447
Lura M. Mitchell, et al.,	M.C.R.5696

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Laura L. Boucher, Galard Boucher, Reuben Boucher, Lura M. Mitchell, Steven Curtis Terry, Medie May Terry, Mattie Belle Mitchell, Ida Mitchell, Willie Thelma Mitchell and Estella Mitchell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty

of eighteen hundred and thirty, and that the applications for their identification as such should be refused; and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, December 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Laura L. Boucher, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 1, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

m Laura L. Boucher, et al., M. C. R. 5447
Lura M. Mitchell, et al., M. C. R. 5696

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tams Bixby.
Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M. C. R. 5447

(COPY)

Land
75226-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,
February 14, 1903.

The Honorable
The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Laura A. Boucher, for herself and two children, Galard and Reuben Boucher, Laura M. Mitchell, for herself and six children, Steven Curtis and Medie May Terry, and Mattie Belle, Ida, Willie Thelma and Estella Mitchell, wherein a decision adverse to the applicants was rendered by the Commission on December 1, 1902.

It appears from the evidence in this case that the applicants claim identification by reason of their descent from Mary (Severs) Lively, and from --(Cody) Keith, who, it is claimed, were citizens of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

The Commission bases its decision rejecting these parties on the ground that its records fail to show that Mary Lively nee Severs, Keith (or Cody), or ancestors less remote, ever complied or attempted

to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The records of this office fail to show, upon examination, that Mary (Severs) Lively, --(Cody) Keith, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is recommended that the decision of the Commission rejecting these parties be approved.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

R.B.H. H'r.

3 enclosures.

(COPY)

D C 7407-1903. DEPARTMENT OF THE INTERIOR. KAV.

ITD.1652-1903. Washington.

L.R.S. March 13, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

December 17, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Laura L. Boucher and her minor children, Galard and Reuben Boucher, and of Lura M. Mitchell and her minor children, Steven Curtis Terry, Medie May Terry, Mattie Belle Mitchell, Ida Mitchell, Willie Thelma Mitchell and Estella Mitchell. The applications were denied December 1, 1902.

The applicants claim to be descendants of one Mary Lively (nee Severs), alleged to have been a one-fourth blood Choctaw Indian, and of ____Keith (nee Cody), also alleged to have been a Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the Acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 14, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department finds no reason to modify your decision and it is accordingly affirmed.

Respectfully,

(Signed) F. L. Campbell,

Acting Secretary.

1 inclosure.

M.C.R.5447.

COPY.

Muskogee, Indian Territory, March 23, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 13th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laura L. Boucher, et al., of which decision you were advised by mail on the first day of December , 1902.

Respectfully,

Tams Bixby,

Chairman.

M.C.R.5447.

COPY.

Muskogee, Indian Territory, March 23, 1903.

Francis A. Pierce,
Attorney-at-Law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on the 13th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laura L. Boucher, et al., of which decision you were advised by registered mail on the first day of December, 1902.

Respectfully,

Tams Bixby.
Chairman.

M.C.R.5447.

COPY.

Muskogee, Indian Territory, March 25, 1903.

Laura L. Boucher,

Sugden, Indian Territory.

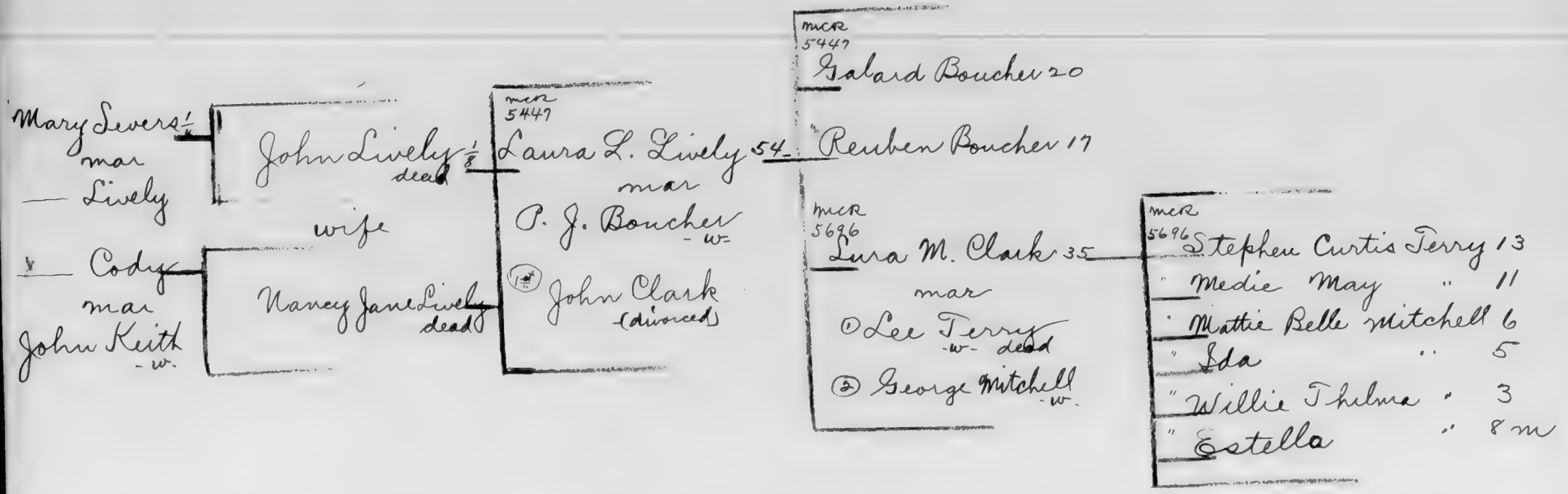
Dear Madam:

You are hereby notified that on the 13th of March 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laura L. Boucher, et al., of which decision you were advised by registered mail on the first day of December, 1902.

Respectfully,

Tams Bixby.

Chairman.


Mary Severs ½
mar
— Lively
wife
— Cody ½
mar
John Keith
-w-
John Lively ½
dead
Nancy Jane Lively
dead
mcr
5447
Laura L. Lively 54
mar
P. J. Boucher
-w-
(1) John Clark
(divorced)
mcr
5447
Galard Boucher 20
Reuben Boucher 17
mcr
5696
Lura M. Clark 35
mar
(1) Lee Terry
-w- dead
(2) George Mitchell
-w-
mcr
5696
Stephen Curtis Terry 13
" Medie May " 11
" Mattie Belle Mitchell 6
" Ida " 5
" Willie Thelma " 3
" Estella " 8 m

No. MAY 1 1902

For Identification as a Mississippi Choctaw.

Date 5147

Name Laura L. Boucher.

Age 54 — *Blood*, 1/8 [redacted]

Post-Office, Sugden, I. T.

Father: John Lively. d

Mother: Nancy Jane " d

Claims through both parents

~~husband~~.

P. J. Boucher, l. w.

No claim for husband

Children:

Valard Boucher M 20

Reuben " 17

Claim for each of 2 children

Stenographer S. A. Apple.

Choctaw MCR 5448

Oscar T. Boyd

See MCR 2857

MCR 5448

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 1, 1902.

M C - 5442 -

------ ; ------

In the matter of the application of Oscar T. Boyd for identification of himself and his two minor children, Lola Thelma Boyd and Albert Pickens Boyd, as Mississippi Choctaws.

Applicants represented by Tolle & Chambers, Attorneys.

Oscar T. Boyd being first duly sworn testified as follows:

Examination by the Commission.

Q. What is your name? A. Oscar Thomas Boyd.
Q. How old are you? A. I am twenty-eight years old.
Q. What is your post-office address? A. Athens, Texas.
Q. How long have you lived at Athens? A. Two years.
Q. Where did you live before that? A. Hillsboro.
Q. Where were you born? A. In Freestone county, Texas.
Q. Is your father living? A. Yes, sir.
Q. Is your mother living? A. No, sir.
Q. What is your father's name. A. Henry Thomas Boyd.
Q. What was your mother's name? A. Amanda Boyd.
Q. Through which parent do you claim Choctaw blood A. My mother.
Q. How much Choctaw blood do you claim? A. I never heard her say, but my father wrote me that it was about one-eighth.
Q. Do you want to state the quantity as one-eighth, or do you know? A. I don't know.
Q. Has your mother ever been recognized in any way or enrolled as a citizen of the Choctaw Nation? A. No.
Q. Is your wife living? A. Yes, sir.
Q. Is she a white woman or Choctaw? A. White woman.
Q. What is her name ? A. Lola Boyd.

Q. You do not claim for her, dod you? A. No, sir.
Q. Give me the name of your oldest child? A. Lola Thelma.
Q. How old is she? A. Three years old.
Q. The next one? A. Albert Pickens Boyd.
Q. How old is he? A. One year old.
Q. Have you any other children? A. No, sir.
Q Is Lola Boyd the mother of these children? A. Yes, sir.
Q. Are you and your wife living together and these children with you? A. Yes, sir.
Q. Were either of you married before you married each other? A. No.
Q. Have you the marriage license and certificate of marriage of you and your wife with you? A. No, sir.
Q. Have you the license at home? A. It is at home, but I can send it if you want it.
Q. How much time do you want in which to send it? A. I can send them in two or three days.

Applicant is given ten days in which to send his marriage license and certificates of marriage.

Q. Is your name or the names of your children on any of the rolls of the Choctaw Nation in Indian Territory? A. No, sir.
Q. Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities or to the Unitems States authorities in Indian Territory? A. No, sir.
Q. Did you ever make application to the Dawes Commission for enrollment of yourself and children as citizens of the Choctaw Nation under the act of June 10, 1896? A. No, sir.
Q. Is this the first application that you have ever made for citizenship to the Choctaw tribal authorities or to the United States authorities in Indian Territory? A. It is the first.
Q. Do you now come before the Commission to be identified and to identify your children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A. Yes, sir.
Q. Do you understand that article of that treaty? A. No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians in Mississippi at a place called Dancing Rabbit Creek, on the 27th day of September of that year. The government wanted to remove as far as possible all the Choctaw Indians from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation in Indian Territory; but before the treaty was signed it became known that a great many Choctaws would not go to Indian Territory, so in order to protect those Choctaws who stayed back thisarticle fourteen was drawn up and put into the treaty.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to theAgent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee

simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. Did any of your Choctaw ancestors ever comply with any of the providons of article fourten of the treaty of 1830? A. I don't know.
Q. What is the name of your ancestor through whom you claim the right to identification as a Mississippi Choctaw? A. Blakely.
Q. Give the full name? A. Kyranthazis name w as Elizabeth Blakely.
Q. How much Choctaw blood did she claim? A. I cannot tell you.
Q. What relation was she to you A. My grandmother.
Q. Was that her maiden name A. Yes, sir.
Q. Whom did she marry? A. David Williamson.
Q. Was he a white man? A. Yes, sir.
Q. Did Elizabeth Blakely live in Mississippi? A. Yes, sir.
Q. Did she live in Mississipp' in 1830 and have a family there? A. Yes my mother was born there.
Q. Then your grandmother had a family in Mississippi in 1830? A. Yes, sir.
Q Is she living? A. No, sir.
Q. How old would she be if living now? A. I can't tell exactly; she would be 84 or 85 years old. She would be up in 80 any way.
Q. You claim through your mother? A. Yes, sir.
Q. And she was born in Mississippi? A. Yes, sir; I have heard her speak of going across the river when she was small.
Q. How old would she be if living now A. I can't tell, but I can find out if necessary and let you know.
Q. Can you say positively that your grandmoth er livied in Mississippi in 1830 and was the head of a family there? A. Yes, sir.
Q. Can you give the names of any other ancestors who lived in Mississippi in 1830 and had a family there? A I can't go any further back then Elizabeth Blakely.
Q. It does not like your mother could be 72 years old; she could not have been born as early as 1830? A. No, mother is about 48.
Q. Do you know whether your grandmother claimed her Indian blood through her father or mother? A. I don,t know.
Q. Did any of your ancestors own any improvements on lands in Mississippi in 1830? A. I don't know.
Q. Did any of your ancestors go from the old Choctaw Nation in Mississippi with the other Indians between 1833 and 1838 and 1840 to Indian Territory? A. Not that I know of.
Q. Did any of your Choctaw ancestors within six months after tge ratification of the treaty of 1830 go to Colonel Ward, the United States Indian Agent, and tell him they wanted to stay, take lands and become citizens of the States? A. I don't know.
Q. Did any of your ancestors ever claim any benefits under article fourteen of the treaty of 1830? A. Not that I know of.

The Choctaw Indians who stayed back in Mississippi after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen, to go to the United States Indian Agent, Colonel Ward, within six months after the treaty was ratified, and tell him they wanted to stay, take lands and become citizens of the States. A greaty many Indians did this whose names Colonel Ward failed to put upon his list known as "Ward's Register". His neglect to make a proper and complete record of all Indians who came before him caused a great many Indians in Mississippi to lose both their lands and improvements,

for both were taken from them by the Government and sold, This caused a good many complaints among the Choctaw Indians, so that in 1837 congress, by an act of March 3rd of that year, appointed a commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 congress appointed another commission, by an act of August 23rd of that year, for the same purpose. Both these commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and made a record of the names of all who came before them.

Q. Do you know whether any of your ancestors went before either of these commissions and claimed benefits under that article?
A. I don't know.
Q. Did any of your Choctaw ancestors receive any scrip from the government which entitled them to take lands in Mississippi, Alabama, Louisiana or Arkansas from vacant government lands in the place of those that were taken from them and sold? A. Not that I know of.
Q. Who is Tempie McAlester? A. My cousin.
Q. She has made aplication for identification before the Commission, hasn't she? A. Yes, sir.
Q Do you want your testimony considered with her case and all others claiming under the same common ancestor? A. A. Yes, sir.
Q. They will all be considered together under her number, which is here referred to as No. 2857, the case of Tempie McAlester?
A. All right.
Q. Is there any other evidence you want to introduce which will require more time? A Nothing but the license. I will send them.
Q. Is that all the time you want? A. Yes, sir.

A reasonable time will be allowed for that purpose.

Witness---Will it be necessary for me to get my mother's age and send; she has been dead a number of years and I have forgotten her age.
That will not be necessary, I guess.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has a dark complexion, brown eyes, dark brown hair; and he has no knowledge of the Choctaw language, and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 1, 1902; and that the foregoing is a full, true and correct transcript of his stenographic notes in same.

S A Apple

Subscribed and sworn to before me this 7th day of May, 1902.

Charles McLaughlin

Notary Public.

Miss. Choctaw 5448

Muskogee, Indian Territory, May 9, 1902.

O. T. Boyd,

Athens, Texas,

Dear Sir:

Receipt is hereby acknowledged of certified copy of the marriage license and certificate between O. T. Boyd and Lola Pickens which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.CR. 5448.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

Oscar T. Boyd,

Athens, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R	3854
Cynthia Adams Hill, et al.,	M C R	3863
William M. Blakeley, et al..	M C R	4148
Ida Calame, et al.,	M C R	1487
Mollie Blacklidge,	M C R	1489
Aleck Blacklidge, et al,	M C R	1490
Lula Haskins, et al.,	M C R	1488
John Jordan, et al.,	M C R	1469
Frances O. Vollentine, et al.,	M C R	5063
John T. Vollentine,	M C R	5064
Callie V. Bryant, et al.,	M C R	5065
William S. Blakeley, et al.,	M C R	5066
James E. Blakeley, et al.,	M C R	5067
Ralph Tyler,	M C R	5068
Walter S. Blakeley, et al ,	M C R	5069
Mary M. Bird, et al.,	M C R	5321
Cora Langston, et al.,	M C R	5322
Annie C. Lawhon, et al.,	M C R	5323
Laura E. Bird, et al.,	M C R	5324
Oscar Thomas Boyd, et al.,	M C R	5448
John Blakeley, et al.,	M C R	5873
Albany Kennedy, et al.,	M C R	5874
Mary Frances Knowles, et al.,	M C R	5875
Sarah A. Harris, et al.,	M C R	5876
Thomas L. Kennedy,	M C R	5877
Robert E. Kennedy, et al.,	M C R	5878
James Overstreet, et al.,	M C R	499
Thomas J. Overstreet, et al.,	M C R	500
William H. Overstreet,	M C R	503
Belle Rape, et al.,	M C R	504
Cornelius L. Overstreet,	M C R	505
Riley Overstreet, et al.,	M C R	506
Rebecca Overstreet, et al.,	M C R	507
John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
Emma Simpson, et al.,	M C R	674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats , 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmit Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommia Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Huskins, Rebecca Huskins, Minnie Huskins, Thomas Huskins, Lee Huskins, Vivian Huskins, Nellie Huskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyed Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the indentification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identfication of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 5448.

COPY.

Muskogee, Indian Territory, July 13, 1903.

Oscar T. Boyd,

Athens, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

MCR 6448

Muskogee, Indian Territory, December 6, 1906.

Oscar T. Boyd,

Athens, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

Acting Commissioner.

No. 5148

For Identification as a Mississippi Choctaw.

Date MAY 1, 1902

Name Thomas T. Boyd.

Age 28 Blood Don't know.

Post-Office, Athens, Texas.

Father: Henry Thomas Boyd Dead

Mother: Amanda Boyd Dead

Claims through mother

wife Lola Boyd. l. w.

No claim for wife.

Children:

Lola Thelma Boyd, 3

Albert P. — " 1

Claims for neg 2 children (2) —

Choctaw MCR 5449

Winnie Foland

See MCR 5121

MCR 5449

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 1st, 1902.

#5449. ---------oOo---------

In the matter of the application of Winnie Poland for the identification of herself and her minor child, Elvin Poland, as Mississippi Choctaws.

Applicant represented by F. M. Davis, attorney, by permission of the Commission pending the filing of his certificate of qualification.

Winnie Poland, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Winnie Poland.
Q How old are you? A Nineteen.
Q How much Choctaw blood do you claim to be possessed of?
A One-eighth.
Q What is your post office address? A Muskogee, Indian Territory.
Q How long have you lived in Muskogee? A Three weeks to-day I think.
Q Where did you live before you moved here? A Ozark, Arkansas.
Q How long have you been living in Ozark? A About a month.
Q Where did you move from to Ozark? A From Morrilton.
Q Were you born in Arkansas? A Yes sir.
Q Is your father living? A No sir, my father's dead.
Q What was his name? A James Powell.
Q Is your mother living? A Yes sir.
Q What is her name? A Rosa Teagarden.
Q How old is your mother? A Forty-two.
Q Which one of your parents do you claim your Choctaw blood through? A Father.
Q How old a man would your father be if he was living to-day?
A Well, I couldn't tell you.
Q Do you know how old he was when he died? A No sir.
Q Was he much older than your mother? A I think he would be forty-five now if he was living; I think that is what he would be.
Q Where was your father born? A I don't know where he was born; I think he was born in Mississippi but I am not sure.
Q Where did he die? A Died in Arkansas.
Q Did he ever live in the Choctaw Nation, Indian Territory?
A I don't know, but I think he has.

Q You don't know yourself; just what you have heard? A Just what I have heard mother say; that he had land in the Choctaw Nation. Of course I was little when he died.
Q Was your father ever enrolled as a citizen of the Choctaw Nation in Indian Territory by the Choctaw tribal authorities?
A I don't know whether he was or not. He must have been or he couldn't have got his right.
Q You say he must have been or he couldn't got his right; what rights did he have? A Why he had land in the Choctaw Nation.
Q Have you any proof that he owned land in the Choctaw Nation?
A Well my uncle told me that he had had land in the Choctaw Nation---a right.
Q This uncle a brother of your father's? A No sir; brother-in-law of my mother.
Q He's a brother of your father? A No sir.
Q No relation to your father? A No sir. His name is James Sands.
Q Are you married? A Yes sir.
Q What is the name of your husband? A George Foland.
Q Is he a white man? A Yes sir.
Q Makesno claim to Choctaw Indian blood does he? A I do not think he does.
Q You make no claim for him? A No sir.
Q Have you any children that you want to make application for?
A One baby eleven months old.
Q What is the name of that child? A Elvin.
Q Is that a boy or girl? A Boy.
Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A Found you say?
Q Yes; is it on any of the rolls of the Choctaw Nation in Indian Territory? A I don't know whether it is or not.
Q Wouldn't you know if your name was on any of the Choctaw rolls?
A I don't know.
Q Who would put it there if you didn't? A I don't think it has ever been put there; I know-----the first time we have tried----
Q Were your father and your mother legally married? A Yes sir.
Q Were they married under a marriage license? A Yes sir.
Q By an official or a minister? A I think they was married by a minister.
Q Have you the marriage license and certificate of your father and mother? A Yes sir, Mr. Davis has them there.
Q Your mother has married since the death of your father has she?
Q What was your mother's maiden name? A Carry.

There is offered for filing a certified copy of the marriage license and certificate of J. A. Powell and S. E. Cary, which is filed, made a part of the record and marked Exhibit "A" for identification.

Q This marriage license contains the name of J. A. Powell;is that the same as the name James Powell you have given as the name of your father? A Yes sir.
Q And the Miss S. E. Cary, is that the same as Rosa Teagarden?
A Yes sir.

Q How is it that it is Rosa, and in the marriage license S. E.; can you explain that? A No sir, I cant. It might be her middle name; they called her Evaline, but I don't know anything about it at all.
Q But her name is Rosa Teagarden now? A Yes sir.
Q And her name is Rosa? A That's what she goes by.
Q Do you know whether the name of Rosa Teagarden, which you have given as the name of your mother, is the same as S. E. Cary whose name appears in this marriage license? A I know it's my mother, Mrs. Teagarden.
Q Can you explain this difference of names? A No sir, I cant. She would have to do that; been away from her so much she would have to do that.
Q Did you ever make application to the Choctaw tribal authorities for enrollment as a citizen of the Choctaw Nation? A No sir.
Q Did you ever apply to the Dawes Commission to be enrolled as a citizen of the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application of any kind that you have ever made? A Yes sir.
Q You have never been admitted to citizenship then in the Choctaw Nation, Indian Territory, by the Dawes Commission, or the Choctaw tribal authorities or the United States Court for Indian Territory? A No sir.
Q Do you appear before the Commission at this time to claim a share in the lands of the Choctaw Nation, Indian Territory, under the provisions of the act of Congress of June 28, 1898, which authorizes the Commission to hear applications of persons applying for identification as Mississippi Choctaws? A Yes x sir.
Q Do you claim under the fourteenth article of the treaty of 1830?
A Claim under what?
Q The fourteenth article of the treaty of 1830? A I don't know exactly what you mean.
Q Do you claim under the treaty that was entered into by the United States government and the Choctaw tribe of Indians on the 27th day of September, 1830, at a place called Dancing Rabbit Creek in Mississippi? A Well, I cant hardly explain that; I don't understand that thoroughly.
Q Are you making a claim as a Mississippi Choctaw? A Yes sir.
Q Well, on what do you base that claim? A That's all I can tell you--that I claim I am a Choctaw Indian.

The act of Congress of June 28, 1898, sectiontwenty-one, contains the authority of this Commission to hear the applications of persons claiming identification as Mississippi Choctaws, and is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report

to the Secretary of the Interior."

At the time the treaty of 1830 was concluded between the United States government and the Choctaw tribe of Indians, the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the w western boundary line. The object of the treaty was to secure the removal of all of the Choctaws fromthe country they then occupied to the new country west of the Mississippi river. At the time the treaty was made a good many Choctaws didn't want to remove th this new country but preferred to remain in what constituted the old Choctaw Nation, and for the benfit of that class of Indians article fourteen wasput into the treaty. That article is as follows:

> "Each Choctaw head of a family being desirous to r emain and become a citizen of the states shall be permitted to do so, by signify ing his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional linesof survey; in like manne r shall be entitled to one half that quantity for each unmarried child which is living with him over ten ye ars of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon saidlands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said r eservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

This treaty was concluded between the Choctaw Indians and the government on the 27th day of September, 1830, and was ratified by the Congress of the United States on the 24th day of February, 1831. Article fourteen of this treaty required that in case a Choctaw wanted to remain in the old Choctaw Nation he should, within six months from the 24th day of February, 1831, go before the United States government Agent in Mississippi there, Colonel Wm. Ward, and notify him of his intention to remain and take land under this article. After having done that this Choctaw would, as the head of a family, be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lin e s of survey; and for each child in his family unmarried and over the age of ten years he would be entitled to one half that quantity, or three hundred and twenty acres of land; and for e ach child in his family under ten years of age he was entitled to a quarter section, or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent, and these reservations to include any improvement owned by the head of the family at the time the treaty was made, September twenty-seventh, eighteen hundred and th irty. This article also required that after a Choctaw had received his lands from the United States government as a Choctaw Indian he should reside upon these lands for a term of five years, after which time the government would pass to this

Choctaw a title in fee simple which would enable him to dispose of the lands at his pleasure. The last clause of this article is as follows:

> "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that a Choctaw who fully complied with all the requirements of this article by taking his land from the United States government and living upon it for the required time, did not forfeit his citizenship in the Choctaw Nation, Indian Territory, but did forfeit any right to participate in the annuity payments. Annuity was payments being made to the Choctaw Indians annually by the United States government under treaty provisions.

Q I have read that article fourteen and explained it to you. Is that the article under which you base your claim for identification as a Mississippi Choctaw? A Yes sir.
Q Now what was the name of your ancestor who lived in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made, that is, the 27th of September, 1830?
A I couldn't tell you, unless it was my father's father.
Q What was his name? A Powell.
Q Do you know his given name? A No sir, I don't.
Q How much Choctaw blood was your father possessed of? A One-half I think.
Q How much Choctaw blood was his father possessed of--your grandfather? A Full blood, I think.
Q Do you know his given name? A No sir, I don't.
Q Was your grandfather married and the head of a family and did he live in the old Choctaw Nation in Mississippi and Alabama in 1830? A I couldn't tell you. I think that's where he died, in Mississippi. I can just remember them talking about his death.
Q Do you know whether he owned any improvements on lands in the old Choctaw Nation in Mississippi or Alabama in 1830?
A No sir, I don't.
Q Do you know whether he was a recognized member of the Choctaw tribe of Indians at that time or not? A No sir, I don't know whether he was or not, but he was an Indian--Choctaw Indian.
Q Have you any proof to show that he was a Choctaw Indian? Any proof of any kind? A Why, I suppose his wife that's living.
Q To show that your grandfather was a Choctaw Indian and recognized as a Choctaw Indian by the Choctaw tribal authorities in the old Choctaw Nation in Mississippi and Alabama? A I suppose she would know.
Q Have you any proof of any kind to give the Commission to-day that this ancestor of yours--your grandfather--was a recognized Choctaw Indian in 1830 andliving in Mississippi and was the head of a family at the time this treaty was made, September 27, 1830? A I am not sure.

Attorney for applicant asks that the question be repeated.

Q Have you any proof of any kind to offer the Commission that would show that this ancestor of yours--your grandfather--was a recognized member of the Choctaw tribe of Indians and lived in the old Choctaw Nation in Mississippi and Alabama and was the head of a family at the time this treaty was made, September 27, 1830? A Not unless it would be his wife and his children.

Q That is your father's wife and children; I am asking about your grandfather? A I am talking about my grandfather's wife.

Q Is she living? A Yes sir.

Q Where does she live? A She lives at Center Ridge, Arkansas.

Q Is she a white woman or a Choctaw Indian? A She claims to be a white woman. I think that's what she claims.

Q She is not here with you to give evidence in your case to-day?

A No sir.

Q Do you know whether your grandfather ever owned any lands that he got from the United States government as a Choctaw Indian?

A No sir, I don't know.

Q Do you know whether he, within six months from the 24th day of February, 1831, went before the government Agent there in Mississippi in the old Choctaw Nation and told him that he wanted to stay in the old Choctaw Nation and take lands under this article? A No sir, I don't remember of ever seeing him at all.

Q Then you have no knowledge of any compliance on the part of your ancestors with this fourteenth article? A No sir.

In accordance with the provisions of this article the government directed Colonel Wardto register the names of all Choctaw Indians who wanted to remain in the old Choctaw Nation and take land under the article, and the records of the government show that he failed in a great many instances to register the names of a great many Choctaws who really did go before him and told him they wanted to stay and take land and on this account Choctaws had land taken from them and sold by the government at its public land sales. This caused a great many complaints and these complaints finally reached Congress, and Congress passed various acts under which Commissions was sent into the state of Mississippi, one in the year 1837 and one in the year 1842. These Commissions investigated a large number of claims; some claims were allowed and others were rejected. Of the claims allowed, after approval by the Secretary of War and the President, if it was found that the lands of the Choctaws had not been sold, they were given them. If, however, it was found that the lands had been sold and the Choctaws established their claims to such lands, scrip was issued them, under the act of Congress of 1842, authorizing the Commission in that year to determine these claims, and under this scrip they could locate on vacant government lands in the states of Mississippi, Alabama, Louisiana or Arkansas.

Q Did you ever hear it stated in your family that this ancestor

of yours--your grandfather--ever owned land in either of these states? A No sir, I don't remember.

Q Did any of your Choctaw ancestors ever receive any land from the United States government as Choctaw Indians? A All I remember about is hearing my father tell that he owned land in the Territory.

Q That's Indian Territory? A Yes sir.

Q Do you know how he came in possession of that land? A No sir, I don't.

Q Do you know whether he occupied it as a member of the Choctaw tribe of Indians in the Indian Territory? A Yes sir, I think he was down there for quite a while.

Q Do you think he held that land in the Choctaw Nation, Indian Territory, as a Choctaw Indian? A I am not sure, but he had land there.

Q Have any of your relatives been before the Commission and applidd for identification as Mississippi Choctaws? A I don't know.

Q Has your mother ever been before? Got any brothers or sisters who have been before the Commission and applied?A Nobody but my mother, except my father if he did.

Q Before this Commission--the Dawes Commission? A No sir, excepting my mother.

Q Did she come here and apply? A She was talking to Mr. Davis; I couldn't tell you if she was ever up here or not.

Q Have you got any brothers or sisters living? A I got one brother and one sister.

Q What was their names? A Jennie Cox and James Powell.

Q Is James Henry Powell a brother of yours? A Yes sir.

Reference is made to M C R 5121, James Henry Powell.

Q You have simply been told that your father owned land in the Choctaw Nation, Indian Territory? A Yes sir.

Q I will ask you again do you know how he came in possession of that land? A No sir, I don't.

Q You have already testified that he was never enrolled as a citizen of the Choctaw Nation so far as you know? A No sir, I don't know.

Q Do you know of any act of compliance or any attempted act of compliance on the part of your father or grandfather with the provisions of this article fourteen? A No sir, I don't know anything about it.

Q You don't know that any of your ancestors ever received any ~~xxx~~ benefits as Choctaw Indians? A Unless it was my father, hearing him talk about it.

Q Did you know his family history? A Yes sir.

Q Have you any evidence, documentary evidence, papers, deeds, or patents to land that would show that this ancestor received land from the United States government as a Choctaw Indian?

A No sir, I think if there is any papers at all my grandmother has them. My father died at his mother's house.

Q You have got no evidence to offer to-day to show any act of compliance of your ancestors with this fourteenth article?

A No sir.

This applicant has dark brown hair, medium fair complexion, the features and appearance of a person of white parentage, has no knowledge of any act of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Q Do you speak or understand the Choctaw language? A No sir.
Q Have you any other evidence to offer now; any witnesses to hear, or papers that you want to file? A No sir.

Examination by Attorney Davis:

Q How old are you Mrs. Foland? A Nineteen years old.
Q Where did you say your father died? A Center Ridge, Arkansas
Q How old were you at that time? A Eight years old.
Q Were you with him at that time? A No sir, I left him about three weeks before he died. I was about six miles from him when he died.
Q Had your mother and father been living together up until the time of his death? A I don't know exactly how long they had been parted.
Q Did he have charge of you at that time? A Yes sir.
Q You were not under the care of your mother at that time?
A No sir.
Q But under the care of your father? A Yes sir.
Q After his death how long did you stay in Arkansas? A Well, I don't know exactly how long; not very long.
Q Then where did you go? A I went to Whitesboro, Texas.
Q And do you know how long you stayed there? A We stayed there I think pretty near one year.
Q You stayed with your mother that time? A Yes sir.
Q Where did you go from there? A I went from Whitesboro I think to Gainesville, Texas. I mean we was in Whitesboro, Texas about a year. I think that's about how long we was.
Q From there where did you go if you remember? A We went from Texas to Oklahoma.
Q Do you know what town there? A Perry.
Q Did you stop at any time in Eufaula? A No it was Purcell; that's where we went.
Q Did you go from Texas to Purcell or Texas to Perry? A From Texas to Purcell.
Q And from there to what place? A Perry.
Q How old were you when you were in Perry? A About eleven years old.
Q Do you know how long you stayed there? A We stayed there I think lacking about two months of being a year. We didn't stay there very long as far as I remember.
Q When you went away from there where did you go? A Winfield, Kansas.
Q How did you happen to go to Winfield, Kansas? A My mother got me a home with an old gentleman Charles Ramsey.
Q How did he come to take you home? A He was at the hotel where mother and I was. She was working at a hotel at Ponca and had to work awful hard, and he said he would treat me good and give me a good home and he wated me to go home with him

and said he would send me to school, and I lost track of my mother and never found her until last winter was a year ago; that's about six years; that's the reason I don't know more about her.

Q After you went to live with your mother, after your father's death, she was shifting from one place to another and this was where you first got your permanent home, was with this man. After you went to live with him how long before you found your mother? A Six years; I think it was in 1895 I went to live with himand we was married in 1900.

Q Now have you been where any of your father's people were up until the time you found your mother that you remember of, that is, after your marriage? A The only one was my father's brother; he came to see me in Morrillton; John Powell was his aname.

Q Where did he come to see you? A He came from Center Ridge.

Q That was after your marriage? A Yes sir.

Q And after you found where your mother was? A Yes sir.

Q Now you may state what you remember about your father; all you can remember about him and what it was that led to your finding of your mother and people after you got lost from your mother in Kansas? A Well, I expect that by me being to Mr. Ramseys, and somehow or another she got lost from us or the letters got misplaced and mother thought they had sold out and went to Ohio or they had died and that I got a home somewhere else.

Attorney for applicant asks for further time in which to introduce additional evidence in support of this application.

Reasonable time will be allowed for that purpose.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 1st day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 7th day of May, 1902.

Wm. M. Cobb

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 25, 1902.

Rose Teagarden being first duly sworn testified in reference to the application made by Winnie Folsomfor the identification of herse and minor child Minnie Folsomdas Mississippi Choctaws as follows:

Examination by the Commission:

Q Your name is Rose Teagarden? A Yes sir.
Q You ae forty one years old? A Yes sir.
Q Do you live in Muskogee? A Yes sir
Q What relation is Winnie Folsomdto you ? A My own daughter.
Q You testified in making this correction to the testimony in your own case in reference to Anthony P.Powell MCR.1625 that he was in no manner related to you or any member of your family and he is not relatied in any way to your daughter Winnie Folsom? A No sir he is not.
Q And you dont care to have any reference made to this case of Anthony P. Powell 1625 either in your own application for your minor son or your daughter Winnie Folsom? A No sir; I object to it on account of him being colored; we have no colored relations.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 25th day of August 1902 and that the above and foegoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 30th day of August 1902.

B O Jones
Notary Public.

M.C.R. 5449

COPY

Muskogee, Indian Territory, December 30, 1902.

Winnie Poland,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on the 30th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Henry Powell, et al., embracing the following applications for identification as Mississippi Choctaws:

James Henry Powell,	M.C.R. 5121
Winnie Poland, et al.,	" 5449
Jennie Cox, et al.,	" 6295

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Henry Powell, Winnie Poland, Elvin Poland, Jennie Cox, Winnie Amelia Cox and Alvia Donelda Cox, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

WRIGHT James Dixby.
Acting Chairman

Registered.

M C R 5121
M C R 5449
M C R 6375

Muskogee, Indian Territory, February 9, 1903.

George W. Foland,

Lock Box 90,

Beaver City, Nebraska.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 30, 1903, asking if any other evidence has been filed in support of the application for identification as Mississippi Choctaws of Jennie Cox, Winnie Foland, and other children of James Powell.

In reply to your letter you are informed that on December 30, 1902, the Commission rendered its decision refusing the applications of James Henry Powell, Winnie Foland and her minor child, Elvin Foland, and Jennie Cox and her two minor children, Winnie A. Cox and Alvia D. Cox, as Mississippi Choctaws, and on the same date the applicants were duly notified of this action of the Commission, and advised that they would be allowed fifteen days from that date within which to present argument to be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs. On January 15, 1903, the fifteen days theretofore granted having expired, the record in this consolidated case was

George W Poland------2

forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

The Commission has not yet been advised of the action of the Department.

Respectfully,

Acting Chairman.

W. O. B.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5449

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 31, 1903.

Winnie Foland,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified th at on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Henry Powell, et al., of which decision you were advised by registered mail on the 30th day of December, 1902.

Respectfully,

Chairman.

No. 5449

For Identification as a Mississippi Choctaw.

Date MAY 1 1902

Name Winnie Poland

Age 19 Blood 1/8

Post-Office, Muskogee I.T.

Father: James Powell Dead

Mother: Rosa Deagarden ✓

Claims through Father

Husband George Poland no claim for him ✓

Children:

Elsie Poland (M) 11 m

Claims for self and child.

Stenographer Aly McMillan

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 10 1903

ACTING CHAIRMAN



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.



19.5

Winnie Foland,

Muskogee, I. T.

2899

5449

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 11 1903

CHAIRMAN



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

Winnie Foland,

Muskogee, Indian Territory.

Choctaw MCR 5450

Irene Garland

See MCR 5284

MCR 5450

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 28, 1902.

In the matter of the application of Irene Garland for identification as a Mississippi Choctaw.

Appearances:
John C. Hill, Attorney for Applicant.

Ireme Garland, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Irene Garland.
Q How old are you? A Twenty four years old.
Q How much Choctaw blood have you? A Something over a quarter.
Q Do you know how much over a quarter? A No, sir, not exactly.
Q What's your post office address? A Richland, Mississippi.
Q What County? A Holmes County.
Q How long have you lived in Holmes County? A All my life.
Q Is your father living? A Yes.
Q What's his name? A Felix Garland.
Q Is your mother living? A She is.
Q What's her name? A Alberta Garland.
Q Through which one of your parents do you get your Choctaw blood?
A Both of them. I can only trace my father.
Q How much Choctaw blood has your father? A He claims over a half- his father, so he says, was over three quarters.
Q Did your mother have any Choctaw blood? A She had some, but I can't trace it.
Q His mother? A Oh! yes, she did.
Q How much? A She was a quarter, I think.
Q Has your father lived in Holmes County all his life? A I think so.
Q Has he been before this Commission? A Yes, sir.
Q When? A It was this month, here at Meridian.
Q What was your father's father's name? A Jesse Garland.
Q What was your father's mother's name? A Millie Garland.
Q Do you know the names of the parents of Jesse Garland? A No, sir
Q Do you know Millie's parents' names? A No, sir.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q You claim for yourself only, then, do you? A Yes, sir.
Q Has any application of any description ever been made before today in your behalf for the purpose ofestablishing your rights as a Choctaw Indian? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under article 14 of the treaty of Daneing Rabbit Creek? A Yes, sir.
Q Do you understand that 14th article? A I think I do.
Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?
A No, sir.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir.
Q Did not? A No, sir.
Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
A No, sir.
Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A No, sir.
Q Do you know whether they did, or not? A I say, I don't know, sir.
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States to your knowledge? A No, sir, not as I know of.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did, in fact, let him know that they wanted to stay h here and become citizens and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposes they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors ever appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, they should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi,

or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?
A If they did, I don,t know anything about it.
Q So far as you know, then, none of your ancestos ever received any benefits whatever as Choctaw Indians? A No, sir.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
Q Have you anywriten evidence of any description to offer at this time? A No, sir.
Q Have you any witnesses here today to testify in your behalf?
A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here in Mississippi at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time? A No, sir.
Q Have you any brothers living? A Yes, sir.
Q How many? A Two; one is here with me, and one is at home.
Q What are the names of your brothers? A Chester A. and Augustus S.
Q Which is here today? A Augustus S. Garland.
Q Have you any sisters living? A Yes, sir.
Q How many? A Four.
Q What are their names? A Three besides myself. Nellie and Gertrude and Howard A.
Q You don't speak or understand the Choctaw language, do you?
A No, sir.

(Applicant has the appearance of being a full blood negro except that her hair is somewhat inclined to be straight. She has none of the features of an Indian, and does not speak or understand the Choctaw language.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct

Irene Garland, 4.

translation of his stenographic notes of said proceedings in said cause upon said date.

R. S Stuart

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles K. Sawyer

Notary Public.

COPY.

M.C.R. 6450.

Muskogee, Indian Territory, July 18, 1902.

Irene Garland,

Richland, Mississippi.

Dear Madam:

You are hereby advised that on the 18th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Falls, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Falls, et al.,	M.C.R.	6284
Mary E.P. Nicolson,	"	6452
Julius Falls, et al.,	"	6453
Eugene Falls,	"	6454
Frank Garland, et al.,	"	6206
Sallie Semple,	"	6207
Felix Garland, et al.,	"	6208
Irene Garland,	"	6450
Augustus S. Garland,	"	6451
Jesse Garland, et al.,	"	6209.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Falls, Etta V. Harrington, Mary E.P. Nigelson, Julius Falls, Levasseur B. Falls, Eugene Falls, Frank Garland, Clarence Garland, Jesse Garland, Jimmie Garland, Elmira Garland, Sallie Semple, Felix Garland, Nellie Garland, Gertrude Garland, Chester A. Garland, Howard A. Garland, Irene Garland, Augustus S. Garland, Jesse Garland, Mintie Garland, Beatrice Garland, Applis Garland, Amy Garland, Jesse Garland, Jr., Robbie Garland, Frederick Garland and Zilphia Garland, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tams Bixby.

Acting Chairman.

Registered.

H C R 5450

Muskogee, Indian Territory, October 16, 1902.

Irene Garland,

Richland, Mississippi.

Dear Madam:

You are hereby advised that on the 6th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Falls, et al., of which decision you were advised by registered mail on the 13th day of July, 1902.

Respectfully,

Tams Bixby.

Acting Chairman.

2122 — No. 5150

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 28 1902

Name Irene Garland

Age 24 Blood 1/4

Post-Office, Richland, Miss

Father: Felix Garland L

Mother: Alberta " L

Claims through father.

For self only

Children:

Choctaw MCR 5451

Augustus S. Garland

See MCR 5284

MCR 5451

5451

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 28, 1902.

In the matter of the application of Augustus S. Garland for identification as a Mississippi Choctaw.

Appearances:
John C. Hill, Attorney for Applicant.

Augustus S. Garland, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Augustus S. Garland.
Q How old are you? A Twenty one.
Q How much Choctaw blood do you claim to have? A Something over a quarter.
Q What's your post office address? A Richland, Mississippi, Holmes County.
Q How long have you lived in Holmes County? A All my life.
Q Father living? A Yes, sir.
Q What's his name? A Felix Garland.
Q Mother living? A Yes, sir.
Q What's her name? A Alberta Garland.
Q Through which one of your parents do you get your Choctaw blood?
A Both sides.
Q Which one do you claim through? A Father.
Q Do you know how much Choctaw blood your mother has? A No, sir.
Q Not sure she has any, are you A So she claims so.
Q Are you a full brother of Irene Garland who just appeared before the Commission? A Yes, sir.
Q You heard her entire examination? A Yes, sir.
Q You understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Has any application of any kind been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A Yes, sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under article 14 of the treaty of Dancing Rabbit Creek, do you?
A Yes, sir.
Q Do you know anything more with reference to a compliance on the part of your ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek than what was disclosed by the testimony of your sister? A No, sir.
Q You don't know of any old persons living who would likely know whether any of your people ever complied or attempted to comply with this treaty provision? A No, sir.
Q Any written evidence to offer at this time? A No , sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

(This applicant has the appearance of being a full blood negro, except that his hair is somewhat inclined to be straight. He has none of the features of an Indian, and does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles Kelsey

Notary Public.

COPY.

M.C.R. 5451.

Muskogee, Indian Territory, July 12, 1902.

Augustus S. Garland,

Richland, Mississippi.

Dear Sir:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Falls, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Falls, et al.,	M.C.R.	5284
Mary E.F. Nicolson,	"	5458
Julius Falls, et al.,	"	5463
Eugene Falls,	"	5464
Frank Garland, et al.,	"	5466
Sallie Semple,	"	5467
Felix Garland, et al.,	"	5468
Irene Garland,	"	5469
Augustus S. Garland,	"	5451
Jesse Garland, et al.,	"	5288.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have the authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Falls, Etta V. Harrington, Mary E.F. Nicolson, Julius Falls, Levasseur L. Falls, Eugene Falls, Frank Garland, Clarence Garland, Jesse Garland, Jimmie Garland, Elmira Garland, Sallie Semple, Felix Garland, Nellie Garland, Gertrude Garland, Chester A. Garland, Howard A. Garland, Irene Garland, Augustus S. Garland, Jesse Garland, Mintie Garland, Beatrice Garland, Applis Garland, Amy Garland, Jesse Garland, Jr., Bobbie Garland, Frederick Garland and Zilphia Garland, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)
Tams Bixby.

Acting Chairman.

Registered.

M C R 5481

Muskogee, Indian Territory, October 16, 1903.

Augustus S. Garland,

Richland, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of October, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Falls, et al., of which decision you were advised by registered mail on the 13th day of July, 1903.

Respectfully,

Acting Chairman.

#2123

No. 5151

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 28 1902

Date

Name Augustus S. Garland

Age 21 Blood 1/4

Post-Office, Richland, Miss

Father: Felix Garland, "

Mother: Alberta " "

Claims through father.

Children:

For self only.

R. S Stuix

Choctaw MCR 5452

Mary E. F. Nigolson

See MCR 5284

MCR 5452

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 28, 1902.

In the matter of the application of Mary E. F. Nigolson, for identification as a Mississippi Choctaw.

Appearances:
John C. Hill, Attorney for Applicant.

Mary E. F. Nigolson, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Mary E. F. Nigolson.
Q How old are you? A Twenty six.
Q How much Choctaw blood have you? A Little over a quarter.
Q How much over a quarter? A I don't know, sir.
Q What makes you think you have a little over a quarter?
A It was on both sides, but I couldn't trace both sides.
Q What's your post office address? A Richland, Mississippi, Holmes County.
Q How long have you lived in Holmes County? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A Julius Falls.
Q Your mother living? A Yes, sir.
Q What's her name? A Martha Falls.
Q Through which one of your parents do you derive your Choctaw blood? A Mother - both sides, but I can only trace my mother's side.
Q Has your mother been before this Commission? A Yes, sir.
Q When was she here? A This month.
Q How much Choctaw blood did your mother claim to have? A Little over a half.
Q Did she live in Mississippi all her life? A Yes, sir.
Q About how old is she? A I don't know, sir.
Q Through which one of her parents did she get her Choctaw blood?
A Both sides - father and mother.
Q What were the names of her father and mother? A Millie Garland, and father, Jesse Garland.
Q What relation are you to Irene Garland who just appeared before the Commission this morning? A First cousins.
Q Your mother and her father are full brother and sister? A Yes, sir.
Q Are you married? A Yes, sir.
Q Husband living? A Yes, sir.
Q What's his name? A Quitman Nigolson.
Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him? A No, sir.
Q Have you any children? A No, sir.
Q This application is for yourself only? A Yes, sir.

Q Has any application of any kind ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A Not as I know of.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the fourteenth article of the treaty of Dancing Rabbit Creek, do you? A Yes, sir.
Q You understand that fourteenth article, do you? A Yes, sir.
Q You heard the entire examination of your cousin, Irene Garland?
A Yes, sir.
Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, than what is disclosed by her testimony? A No, sir.
Q Have you any evidence to offer in support of your application?
A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any written evidence of any kind to offer? A No, sir.
Q Do you know of any written evidence which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
Q Any further statements you want to make at this time in support of your application? A No, sir.
Q Have you any brothers or sisters living? A Yes, sir.
Q How many? A Have four outside of myself.
Q What are their names? A Willie Falls.
Q Here today? A No, sir.
Q Next one? A Virginia Falls, Grant and Julius and Eugene Falls.
Q Are they here today? A Yes, sir.
Q Has Virginia Grant been before the Commission? A No, sir.
Q Where does she live? A She stays in Arkansas.
Q You don't speak or understand the Choctaw language, do you? A No, sir.

By John C. Hill:
How old did you say you were, Mrs. Nigolson? A Said I was twenty five.
Q Tell the Commission here what year you was born? A In August, '75 the 11th. I think I made a mistake; I think I am twenty six.

(Applicant has the appearance of being possessed of a mixture of negro and white blood in which the white blood predominates. She shows no indication of being possessed

of Indian blood. She does not speak or understand the Choctaw language .)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, and on the 28th day of April,1902, and that the above and foregoing is a full, true and correct t— E translation of his stenographic notes of said proceedings in said cause upon said date.

R S Streit

Subscribed and sworn to before me at Muskogee,Indian Territory, this 15th day of May, 1902.

Charles Hetawyer

Notary Public.

COPY.

M.C.R. 5458.

Muskogee, Indian Territory, July 12, 1902.

Mary E.F. Nigolson,

Richland, Mississippi.

Dear Madam:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Falls, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Falls, et al.,	M.C.R. 5284
Mary E.F. Nigolson,	" 5452
Julius Falls, et al.,	" 5453
Eugene Falls,	" 5454
Frank Garland, et al.,	" 5286
Sallie Sample,	" 5287
Felix Garland, et al.,	" 5283
Irene Garland,	" 5450
Augustus S. Garland,	" 5451
Jesse Garland, et al.,	" 5285.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Falls, Rita V. Harrington, Mary B.F. Nigelson, Julius Falls, Lavaseur B. Falls, Eugene Falls, Frank Garland, Clarence Garland, Jesse Garland, Jimmie Garland, Elmira Garland, Sallie Semple, Felix Garland, Nellie Garland, Gertrude Garland, Chester A. Garland, Howard A. Garland, Irene Garland, Augustus S. Garland, Jesse Garland, Mintie Garland, Beatrice Garland, Applis Garland, Anny Garland, Jesse Garland, Jr., Robbie Garland, Frederick Garland and Zilphia Garland, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) Tams Bixby.

Acting Chairman.

Registered.

COPY.

M C R 5452

Muskogee, Indian Territory, October 16, 1903.

Mary E. F. Nigolson,

Richland, Mississippi.

Dear Madam:

You are hereby advised that on the 6th day of October, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Falls, et al., of which decision you were advised by registered mail on the 13th day of July, 1903.

Respectfully,

(SIGNED).

Acting Chairman.

#2124 No. 5152

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 28 1902

Name Mary E. J. Nigolson

Age 26 Blood 1/4

Post-Office: Richland, Miss.

Father: Julius Falls d

Mother: Martha Falls d

Claims through mother

Children:

Stenographer R. S. Street

Choctaw MCR 5453

Julius Falls

See MCR 5284

MCR 5453

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 28, 1902.

In the matter of the application of Julius Falls for the identification of himself and one minor child, Levasseur E.Falls, as Mississippi Choctaws.

Appearances:
John C. Hill, Attorney for Applicant.

Julius Falls, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Julius Falls.
Q How old are you? A Twenty five; born in '77.
Q How much Choctaw blood have you? A Little over a quarter.
Q What's your post office address? A Richland, Mississippi.
Q What county? A Holmes County.
Q How long have you lived in Holmes County? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A Julius Falls.
Q Your mother living? A Yes, sir.
Q What's her name? A Martha Harland Falls.
Q Through which one of your parents do you get your Choctaw blood?
A Mother.
Q Has she ever been before the Commission? A Yes, sir.
Q When? A This month.
Q What relation are you to Mary E. F. Nigolson who appeared before the Commission this morning? A Full brother.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q What's her name? A Eva N. Falls.
Q She has no Choctaw blood? A No, sir.
Q How many children have you living? A One.
Q What's the name of your child? A Levasseur E.
Q How old is he? A Two months.
Q This application, then, is for yourself and one minor child?
A Yes, sir.
Q Has any application of any kind ever been made before today for you or this child for the purpose of establishing your rights as Choctaw Indians? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and one minor child under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Were you married to Eva under a license? A Yes, sir.
Q Where? A Lexington, Mississippi.
Q When? A The 25th of December, 1900.
Q Who married you? A S. P. Watson.
Q Was he a minister? A Yes, sir.

Q Have you your license with you at this time? A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Eva, for use in connection with the application which you make in behalf of your minor child. This evidence should be furnished within thirty days from this date, if possible.

Q What relation are you to Irene Garland who appeared before the Commission this morning? A First cousin.
Q Her father and your mother were full brother and sister?
A Yes, sir.
Q You heard her entire examination? A Yes, sir.
Q You understand article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek than is disclosed by her testimony? A No, sir.
Q Have you any witnesses here today to testify in your behalf? A
A No, sir.
Q Have you any written evidence of any kind to offer? A No, sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

If you should find any witnesses whose testimony your desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statments you want to make in support of your application ? A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro and white blood, in which the white blood predominates. He has none of the features of Indian and does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn upon his oath states that asstenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi on the 28th day of April, 1902, and

Julius Falls, et al., 3.

that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. L. Stuart

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of April, 1902.

Charles K. Sawyer

Notary Public.

Mississippi Choctaw 5453,5491,5494

Muskogee, Indian Territory, May 16, 1903.

John C. Will,

Attorney at Law,

Meridian, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 12, inclosing two certificates of John H. McRee, Clerk Circuit court, Holmes County, Mississippi, to the destruction of the marriage records of that county, which you ask to have filed in support of the applications of Hybernia Lipsey et al. and Bailey Harrington, et al. respectively; also certificate of John H. McRee to the issuance of a license of marriage to Julius Falls and Eva Nicholson and the failure of the Minister to return certificate to his office, and affidavit of Felix Garland, unsigned, to the marriage of Julius Falls Jr. and Eva Nicolson. The affidavit of Felix Garland is herewith returned to you for the reason that the affiant failed to sign his name thereto. The other papers have been filed with the records in the cases above named.

The other matters treated of in your letter will be made the subject of another communication.

Yours truly,

AH 1-16

Acting Chairman.

COPY.

M.C.R. 5455.

Muskogee, Indian Territory, July 12, 1902.

Julius Falls,

Richland, Mississippi.

Dear Sir:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Falls, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Falls, et al.,	M.C.R. 5284
Mary E.J. Nicolson,	" 5452
Julius Falls, et al.,	" 5453
Eugene Falls,	" 5454
Frank Garland, et al.,	" 5286
Sallie Sample,	" 5287
Felix Garland, et al.,	" 5283
Irene Garland,	" 5450
Augustus S. Garland,	" 5451
Jesse Garland, et al.,	" 5285.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Falls, Etta Y. Harrington, Mary E.V. Higdon, Julius Falls, Lovancer M. Falls, Dugard Falls, Frank Garland, Clarence Garland, Jesse Garland, Jimmie Garland, Elmira Garland, Sallie Semple, Julia Garland, Sallie Garland, Gertrude Garland, Chester A. Garland, Howard A. Garland, Irene Garland, Augustus S. Garland, Jesse Garland, Mintie Garland, Beatrice Garland, Applie Garland, Anny Garland, Jesse Garland, Jr., Bobbie Garland, Frederick Garland and Silphie Garland, as Chootaw Indians entitled to rights in the Chootaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tams Bixby.

Acting Chairman.

Registered.

COPY M C R 5453

Muskogee, Indian Territory, October 16, 1902.

Julius Falls,

Richland, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Falls, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

Acting Chairman.

2125

No. 5153

For Identification as a Mississippi Choctaw.

Meridian Miss

Date APR 28 1902

Name Julius Falls

Age 24 Blood 1/4

Post-Office. Richland, Miss.

Father: Julius Falls d

Mother: Martha Gardner " " d

Claims through mother

wife Eva N. Falls d
no choctaw blood
no claim for her.

Children:

Levasseur E. Falls (m) 2 Mo

For [illegible]

Stenographer R. S. Stre[illegible]

Choctaw MCR 5454

Eugene Falls

See MCR 5284

MCR 5454

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 28, 1902.

In the matter of the application of Eugene Falls for identification as a Mississippi Choctaw.

Appearances:
John C. Hill, Attorney for Applicant.

Eugene Falls, having been first duly sworn, upon his oath testified as follows;

Examination by the Commission.

Q What is your name? A Eugene Falls.
Q How old are you? A Twenty two.
Q How much Choctaw blood have you? A I have got a quarter.
Q What's your post office address? A Richland, Mississippi.
Q What county? A Holmes County.
Q How long have you lived in Holmes County? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A Julius Falls.
Q Mother living? A Yes, sir.
Q What's her name? A Martha Falls.
Q Through which one of your parents did you get your Choctaw blood?
A Mother's side.
Q Has your mother been before this Commission? A Yes, sir.
Q When? A This month.
Q What relation are you to Julius Falls who just appeared before the Commission? A My full brother.
Q What relation are you to Irene Garland who just appeared before the Commission? A First cousin.
Q Are you married? A No, sir.
Q Ever been married? A Never have.
Q This application is for yourself alone? A Yes, sir.
Q Has any application of any kind ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A I don't know anything of it, if there has.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the fourteenth article of the treaty of Dancing Rabbit Creek?
A Yes, sir.
Q You understand that fourteenth article? A Yes, sir.
Q Did you hear the entire examination of your cousin, Irene Garland?
A Yes, sir.
Q Do you know anything more with reference to a compliance on the part of your ancestors with the fourteenth article of the treaty of Dancing Rabbit Creek than what has been disclosed by her testimony? A I do not.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article?

Eugene Falls, I.

A No, sir.
Q Any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
Q Have you any witnesses here today? A No, sir.
Q Any written evidence of any kind to offer? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements youwant to make at this time? A No, sir.

(This applicant has the appearance of being a full blood negro, except that his hair is somewhat inclined to be straight. He has none of the features of an Indian, and does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the five Civilized Tribes, he reported in full all proceeeings had inthe above entitled cause at Meridian, Mississippi, on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles W. Sawyer
Notary Public.

COPY.

M.C.R. 3884.

Muskogee, Indian Territory, July 13, 1903.

Eugene Falls,

Richland, Mississippi.

Dear Sir:

You are hereby advised that on the 13th day of July, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Falls, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Falls, et al.,	M.C.R. 3884
Mary E.J. Nicolson,	" 3452
Julius Falls, et al.,	" 3453
Eugene Falls,	" [illegible]
Frank Garland, et al.,	" [illegible]
Sallie Semple,	" 3457
Felix Garland, et al.,	" 3463
Irene Garland,	" 3460
Augustus S. Garland,	" 3461
Jesse Garland, et al.,	" 3465.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Falls, Etta V. Harrington, Mary A.F. Nigelson, Julius Falls, Levasseur B. Falls, Eugene Falls, Frank Garland, Clarence Garland, Jesse Garland, Jimmie Garland, Elmira Garland, Emilie Semple, Felix Garland, Nellie Garland, Gertrude Garland, Chester A. Garland, Howard A. Garland, Irene Garland, Augustus B. Garland, Jesse Garland, Mintie Garland, Beatrice Garland, Argyle Garland, Amy Garland, Jesse Garland, Jr., Bobbie Garland, Frederick Garland and Zilphia Garland, as Cherokee Indians entitled to rights in the Cherokee lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tams Bixby

Acting Chairman.

Registered.

COPY. MGR 5454

Muskogee, Indian Territory, October 16, 1903.

Eugene Falls,

Richland, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of October, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Falls, et al., of which decision you were advised by registered mail on the 13th day of July, 1903.

Respectfully,

Acting Chairman.

No. 5454

For Identification as a Mississippi Choctaw.

Meridian Miss.

APR 28 1902

Date

Name Eugene Falls

Age 22 Blood 1/4

Post-Office, Richland Miss

Father: Julius Falls d

Mother: Martha " d

Claims through mother.

Children:

For self only

Witness R. S. Street

Choctaw MCR 5455

Anderson Fair

See MCR 5456

MCR 5455

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Anderson Fair, et al., for identification as Mississippi Choctaws, consolidating the following applications:

Anderson Fair, et al., M.C.R. 8453

Kinzie Taylor, M.C.R. 8456

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Anderson Fair, et al.

Page.

Original application of Anderson Fair, et al., to the Dawes Commission for identification as Mississippi Choctaws 1

Certified copy of marriage certificate of Anderson Fair and Jeane Davis 8

Original application of Kinzie Taylor to the Dawes Commission for identification as a Mississippi Choctaw 6

Testimony of Ailsey Mason in behalf of Kinzie Taylor 9

Decision of the Commission refusing the consolidated application of Anderson Fair, et al., for identification as Mississippi Choctaws 10

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 28, 1902.

In the matter of the application of Anderson Fair for the identification of himself and one minor child, Albert Fair, as Mississippi Choctaws.

Appearances:
S. A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

Anderson Fair, having been first duly sworn, upon his oath states as follows:

Examination by the Commission.

Q What is your name? A Anderson Fair.
Q How old are you? A I am about forty two.
Q How much Choctaw blood do you claim to have? A Something over a quarter.
Q How much over a quarter? A Thre eighths - above three eights of a quarter.
Q What's your post office address? A Bentonia, Yazoo County.
Q How long have you lived in Yazoo County? A All my life.
Q Is your father living? A Yes, sir.
Q What's his name? A Primus Fair.
Q Has he any Choctaw blood? A No, sir.
Q None at all? A No, sir.
Q Is your mother living? A Yes, sir.
Q What's her name? A Sarah Taylor.
Q Has she any Choctaw blood? A Yes, sir.
Q How much? A Half.
Q You get your Choctaw blood solely through your mother? A Yes, sir.
Q Where does she live? A In Yazoo County.
Q Has she been before this Commission? A No, sir.
Q About how old is she? A She's about sixty years old.
Q Was she a slave? A Yes, sir.
Q Where was she born? A In Yazoo County, State of Mississippi.
Q She has lived there all her life? A Yes, sir, born there.
Q Through which one of her parents did she get her Choctaw blood?
A Her father.
Q What was his name? A Jesse.
Q Jesse what? A Jesse Injun is what he went by.
Q Did you ever see him? A No, sir.
Q Well, what was the name of your mother's mother? A Ailsey Mason.
Q Do you know where Jesse was born? A No, sir.
Q Do you know where he lived during his entire life? A No, sir.
Q Was he married to Ailsey? A No, sir, he wasn't married to Ailsey.
Q Did she ever have any other children by him? A Yes sir, did not; only her.
Q Was Ailsey a slave? A Yes, sir, she was a slave.

Q Are you married? A Yes, sir, I am married.
Q Wife living? A Yes, sir.
Q What's her name? A Anna Fair.
Q Has she any Choctaw blood? A No, sir.
Q You make no claim for her? A No, sir.
Q How many children have you living? A One.
Q What's that child's name? A Albert.
Q How old is he? A He is about twenty.
Q Is he living with you at this time? A No, sir, he is off at work at public works where I stay.
Q He is not married? A No, sir.
Q You want to make application for him, do you? A Yes, sir.
Q This application is for yourself and one minor son? A Yes, sir.
Q Is Anna his mother? A Yes, sir.
Q Were you married to her under a license? A Yes, sir.
Q When? A Long time ago, I couldn't tell you.
Q Can't you tell the year? A About '74, or 5 or six, somewhere along there.
Q Who married you? A A colored preacher.
Q Where? A In Yazoo County.
Q Have you your license with you at this time? A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Anna, for use in connection with the application which you make in behalf of your minor son. This evidence should be furnished within thirty days from this date, if possible.

Q Has any application, of any description, ever been made before today for you or this minor child for the purpose of establishing your rights as Choctaw Indians? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and one minor child under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that fourteenth article? A I do.
Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A Not as I knows of.
Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir, not as I knows of.
Q Do you know whether any of them lived here at that time? A I dont know.
Q Any of them ever remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
A I don't know, sir.
Q Did any of them, within six months, after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become a citizen of the States and take land? A Not as I knows of.
Q Did any of them ever claim or receive any land from the Government of the United States under article fourteen of the treaty of

Dancing Rabbit Creek? A Not as I knows of.
Q Did you ever hear of any of your ancestors ever having received any benefits whatever as Choctaw Indians? A Never heard of it.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certainacts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied, inall respects, with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not as I knows of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied, in all respects, with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A Not as I know of.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know of any.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
Q Have you any written evidence of any kind to offer at this time?
A No, sir.
Q Have you any witnesses here today? A My grand mother.
Q What's her name? A Ailsey Mason.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No, sir.
Q Have you any brothers living? A Yes, sir, one.
Q What's his name? A Kinney Taylor.
Q He is here today? A Yes, sir.
Q Have you any sisters living? A Yes, sir.
Q How many? A Four.
Q What are their names? A Cora and Susie.
Q Cora what? A Cora Jones.
Q And Susie what? A Susie Miller.
Q Next one? A Four of us in all.
Q You just had two sisters then? A Yes, sir.
Q Are either one of your sisters here today? A No, sir.
Q Have they been before the Commission? A No, sir.
Q Have you any brothers dead? A One.
Q Did he leave any children? A No, sir.
Q Have you any sisters dead? A One, but she didn't leave any children; died when she was a baby.
Q Has your mother any brothers living? A No, sir.
Q Did she ever have any? A No, sir, not as I know of.
Q She never had any full sisters? A No, sir.
Q You don't know of any other living descendants of this Choctaw Indian, Jesse Injun, as you call him, except your mother and her descendants? A No, sir.

(Applicant has appearance of being full blood negro, does not speak or understand the Choctaw language, shows no indication of being possessed of Indian blood.)

R.S.Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 28th day of May, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings on said date. R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 30th day of May, 1902.

Charles W. Sawyer Notary Public.

L.G.D.
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Anderson Fair, et al., for identification as Mississippi Chickasaws, consolidating the applications of -

Anderson Fair, et al., M.C.N. 2401
Kinnie Taylor, M.C.N. 2402

D E C I S I O N.

It appears from the record herein that applications for identification as Mississippi Chickasaws were made to this Commission by Anderson Fair for himself and his minor child, Albert Fair, and by Kinnie Taylor for himself, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to [illegible] identity of persons claiming rights in the Chickasaw lands under the [illegible] between the United States and the Chickasaw Nation, [illegible] Governor of [illegible] Council, [illegible] and duty and it [illegible] [illegible] Commission [illegible] thereto, and make report to the Secretary of the Interior;"

It also appears that all of said applicants claim rights in the Chickasaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Jesse (or Jesse Injun), who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen, of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jesse (or Jesse Injun), or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anderson Fair, Albert Fair and Kinzie Taylor as Choctaw Indians

entitled to rights in the Choctaw lands under the provisions of said article Eighteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby,
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

DEC 2 1902

M.C.R. 5455.

COPY.

Muskogee, Indian Territory, December 3, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anderson Fair, et al., embracing the following applications for identification as Mississippi Choctaws:

Anderson Fair, et al.	M.C.R. 5455
Kinzie Taylor,	M.C.R. 5486

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

> "It is therefore the opinion of this Commission the evidence herein is insufficient to determine the identity of Anderson Fair, Albert Fair, Kinzie Taylor as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of

said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby.

Acting Chairman

COPY.

M.C.R. 5455.

Muskogee, Indian Territory, December 8, 1902.

A. F. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anderson Fair, et al., embracing the following applications for identification as Mississippi Choctaws:

Anderson Fair, et al.	M.C.R. 5455
Kinzie Taylor,	M.C.R. 5456

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anderson Fair, Albert Fair and Kinzie Taylor as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Copy. James Bixby.
Acting Chairman.

Registered.

M.C.R. 5455.

COPY.

Muskogee, Indian Territory, December 2, 1902.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anderson Fair, et al., embracing the following applications for identification as Mississippi Choctaws:

Anderson Fair, et al.	M.C.R. 5455
Kinzie Taylor,	M.C.R. 5456

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anderson Fair, Albert Fair and Kinzie Taylor as Choctaw Indians entitled to rights in the Choctaw lands under the

provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby.

Acting Chairman.

Registered.

File

M.C.R. 5455.

COPY.

Muskogee, Indian Territory, December 2, 1903.

Anderson Fair,

Boutonia, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anderson Fair, et al., embracing the following applications for identification as Mississippi Choctaws:

Anderson Fair, et al.	M.C.R. 5455
Kinzie Taylor,	M.C.R. 5456

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anderson Fair, Albert Fair and Kinzie Taylor as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) Tams Bixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, December 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Anderson Fair, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 2, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Anderson Fair, et al.,	M.C.R. 5455
Kinsie Taylor,	M.C.R. 5456

The Commission has the honor to reportthat the principal applicants in the several separate applications, their agent, attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Tams Bixby.
Acting Chairman.

Enc. M.C.R: 5455

(C O P Y)

Land.
75529-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, June 2, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record and proceedings had before the Commission to the Five CCivilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following named parties: Anderson Fair for himself and his minor child, Albert Fair; Kinzie Taylor for himself, wherein a decision adverse to the applicants was rendered by the Commission December 2, 1902.

The testimony in this case shows that the applicants base their claim to identification on their descent from Jesse or Jesse Injun, through Sarah Taylor, his daughter, mother of the principal applicant, Anderson Fair, it being claimed that Jesse or Jesse Injun was a citizen of the Choctaw Nation and a resident in Mississippi or Alabama at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants for the following reason: " that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or com-

mittee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), " and that the name of the ancestor through whom they claim does not appear on their records among the names of those who complied or attempted tocomply with the provisions of the 14th article of the treaty of 1830.

An examination of the records of this office has been made with reference to the name of Jesse or Jesse Injun and it is discovered that the name of Jesse appears as follows:

Jesse, child under ten at date of treaty, of Tah-nin-chubbee, dec'd applicant under tthe 14th article of the treaty of 1830, who received scrip, p'k. 5/20, case No. 1023 of the files of this office appears the following relative to this Jesse:

"To-nubbee by his attorney W. M. Hale states that he is a Choctaw and was at the date of the treaty of Dancing Rabbit Creek the Choctaw head of a family, that he claims as such the section of land embracing his then improvement Section 4, Township 11, of Range 8 East, in Leake County, and on Cobbs Creek, the family has never left the said improvement but as the said To-nubbee was out hunting and picking cotton on the Mississippi River while the Board was in session last winter at Hepahka his case was not presented.

That he also claims adjoining lands for two unmarried chil-

dren living with him at the date of the treaty, to-wit:

1 Jesse, under ten years of age

2 Lubbela, under ten years of age

Yazoo Village, August 22nd 1843 W. M. Hall

Attorney.

To-nubbee represented by his brotherinlaw Chetah, being 5 feet 6 3/4 inches high & about 35 years of age who being sworn states-

That at the date of the treaty of Dancing Rabbit Creek claimant was the Choctaw head of a family & had then being with him a wife & three following unmarried children towit- 1. Jesse- under 10 yrs. of age, present. 2. Lubbela- under 10 yrs. of age, present. 3. Hetty- under 10 yrs. of age, present. The claimant the lived on Cobbs Creek in Leflores District (now Leake County) where he an improvement & a house & field & where he continued to reside until between two or three years ago when he went to Yazoo County to get work & has remained there ever since, his wife having died some year previously. His children are under the care of an Aunt whose house is in the same yard with claimant, neither claimant nor his children above named were moved out.

That within six months after the ratification of the treaty claimant attended a council at George Turnbulls & there had the names of himself and children put upon Capt. Cobbs list of applicants for the five years stay under the 14art. of the treaty which list was presented by Pahlubbe one of Cobbs Light horsemen to the Agent Col Ward at the annuity at Leflore's a short time afterwards as Chetah is informed & believes.

The claimant never received any grant of land under any other article of the treaty and never within five years from the ratification of the treaty made any contract considered binding for the sale of any land, scrip or other compensation to be awarded by Goverment in satisfaction of his claim undr the treaty to the knowledge of said Chetah nor does he believe he did.

-Examined by the Board-

pah-lubbe told representative that claimant had his name on Cobbs list, in a short time after the paper was made, it was less than a year after the treaty that he told him. He Pah-lubbe came there to tell To-nubbe and others that their names were down. The treaty of Dancing Rabbit Creek was about 14 years ago, in the fall of the year. He is sure Jesse was then born, and is also positive that Lubbee was born then, Lubbee was over two years old at the date of the Treaty, he could run about very peert, go all o ver out among the bushes and go any where alone, he was between two and three years old then. He is the childs own Uncle & he lived 2 1/2 miles from them, would see them often during a week, the allottee was living then-Hetty is the name of the third child she was very small at the date of the treaty. He is very confident she was born before to the treaty and could just begin to set alone, she was a suckling child, then he saw her a suckling child the & he is very positive of it-Representative was at the treaty, To-nubbe is out on Farzoo River-The white man that he is with is unwilling for him to come he

To-nubbe is hired by the white man to hunt and work for him,

Sworn to & Subscribed before me this 27th day of September 1844
Geo. S. Gaines
S. Rush
Com.

Chetah his x mark

Tonubbe
Case No. 1023
-

Pahlubbee a witness produced on the part of the claimant being sworn & examined testifies as follows: That he is about 50 years of age & distantly related. That at the treaty of Dancing Rabbit Creek which was about 14 years ago he was well acquainted with claimant & his family, he then lived about ~~ten~~ miles from him. That in the Summer after the treaty Deponent saw claimant at the Council at George Turnbulls called for the purpose of making out a list of those who intended to remain five years & take the benefit of the 14th article of the treaty. That Deponent then saw claimant give in the names of himself & his children to Turnbull to be put upon the list and that Deponent afterwards at the annuity at Ben Leflore's presented the list to the Agent Col. Ward who placed upon his register of applicants for the five years stay under the 14th art. of the treaty, Deponent acted as Capt. Cobbs Lighthorseman, was much among the people and generally acquainted with Cobbs warriors & their families. ~~he knew the~~

children of claimant. He had then at the time of the treaty, two boys & a girl, the girl was very small. Their names were:

1. Jesse
2. Lubbe
3. Hetty

-Examined by the Board-

Deponent is very sure he saw all the children before the treaty one of them was very small. Te-nubbe is now at Manchester on Yazoo River, & is at work there, he went last Summer & has not returned since, he is in the employ of a white man had him cutting cane & he presumes his family expect him back, he has heard of him since he has been with the white man at work through other Choctas that had been been there & saw him at work.

Sworn to & subscribed

before us this 5th day of October 1844.

Geo. S. Gaines

S. Rush

Pah-lubbe his x mark

Case 188, page 154 of Vol. no. 101, Journal of Proceedings of Commissioners Laiborn & Graves in the adjudication of Choc taw claims, there appears a Jesse, child of Hook-lah-tonah, female applicant under the 14th article of the treaty, who was rejected.

From the findings of this office relative to the name of Jesse and the fact that it is impossible to identify the ancestor

through whom they claim with the parties of like name on our records, it is respectfully recommended that this case be remanded to the Commission and that they be instructed to notify the applicant that they will be given time to secure such further evidence as they deem fit to establish the identity of the ancestor, Jesse or Jesse Injun, with the Jesse that appears on our records.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

C.T.C.

(C O P Y)

D.C.18010 J.W.H.

I.T.D.4806-1903. J.P.

PHE

DEPARTMENT OF THE INTERIOR.

W A S H I N G T O N .

June 26, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

December 18, 1902, you transmitted the record in the consolidated case involving the application for identification as Mississippi Choctaws of Anderson Fair (M.C.R.5455), for himself and his minor child, Albert Fair, and of Kinnie Tayler for himself including your decision of December 2, 1902, denying said application.

From the testimony of these applicants it appears that they are the descendants of a full blood Choctaw names Jesse, who was born in Scott County, Mississippi and removed from there to Yazoo County in that state. Descent is claimed from him through his daughter, Sarah Taylor. She and the applicants are residents of Yazoo County, Mississippi.

From the testimony of one Ailsey Mason, it appears that she is the grandmother of the principal applicants; that she lived with the said Jesse about the year 1841,for several months as his wife; and that he then disappeared and has never since been heard of.

Reporting in the matter June 2, 1903, the Acting Commissioner of Indian Affairs recommendedthat the case be remanded to you for a rehearing, for the reasen, as said report shows, that there was a person named Jesse, son of ome Ke-nubbee, on behalf of whom a claim was presented under article 14 of the treaty of 1830 in 1842.

In view of the facts stated above it is not believed that it would be possible for the applicants to produce satisfactory evidence to the effect that their ancestor Jesse was identical in person with the child referred to in the report of the Acting Commissioner. The Department therefore deems that a rehearing would not be advisable in this case. Your decision is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure

M C R 5455

Muskogee, Indian Territory, July 15, 1903.

A. W. Jones, Agent,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 26th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anderson Fair et al., of which decision you were advised by registered mail on the second day of December 1902.

Respectfully,

T. B. Needles.

Commissioner in Charge.

M C R 8458

Muskogee, Indian Territory, July 15, 1903.

Mansfield McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 26th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anderson Fair et al., of which decision you were advised by mail on the 2nd day of December 1902.

Respectfully,

T. B. Needles.
Commissioner in Charge.

M C R 5488

COPY.

Muskogee, Indian Territory, July 15, 1903.

Anderson Fair,
Bentonia, Mississippi.

Dear Sir:

You are hereby notified that on the 26th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anderson Fair, et al., of which decision you were advised by registered mail on the 2nd day of December 1902.

Respectfully,

T. B. Needles.
Commissioner in Charge.

M C R 5455

Muskogee, Indian Territory July 15, 1903.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

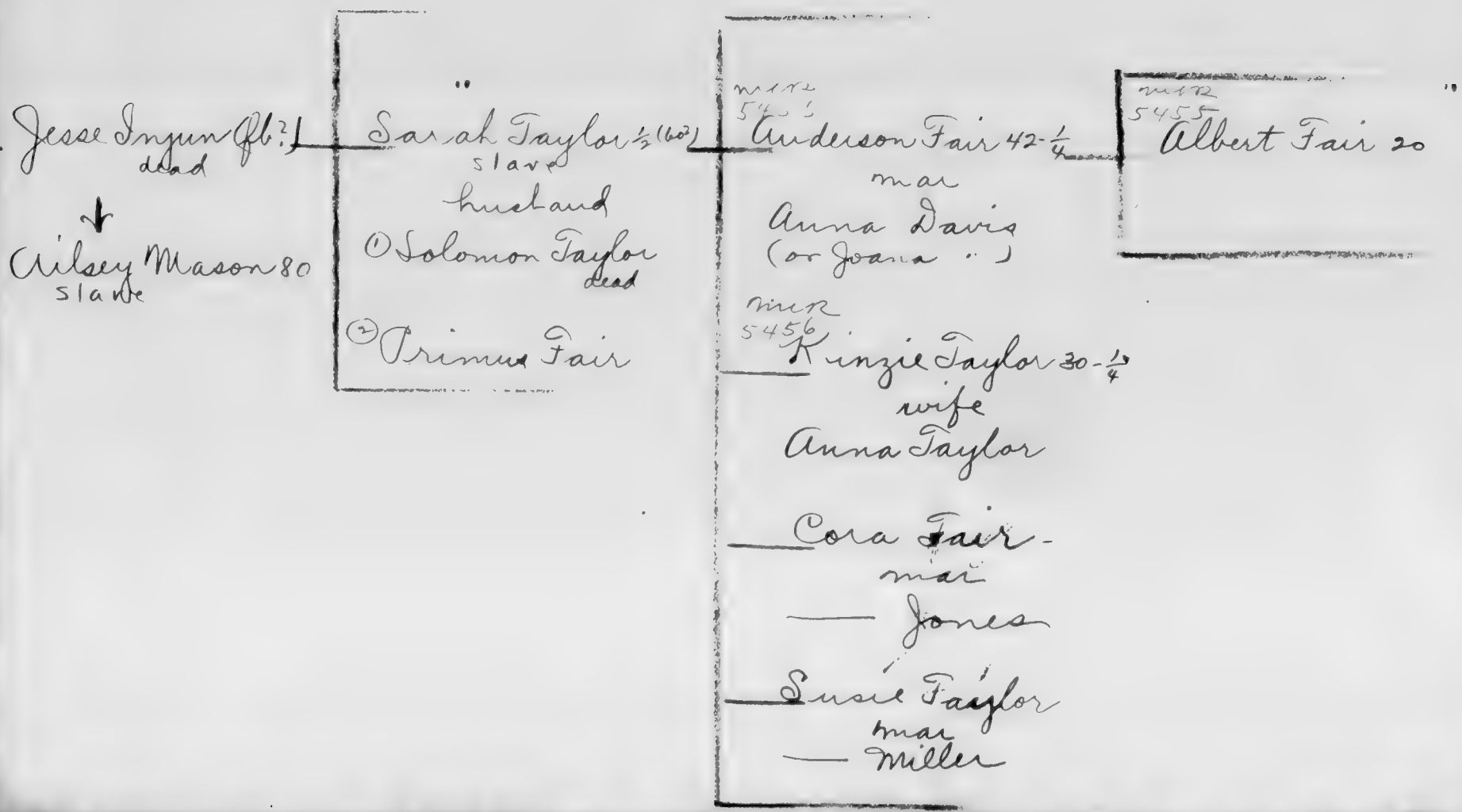
You are hereby notified that on the 26th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anderson Fair et al., of which decision you were advised by registered mail on the 2nd day of December, 1902.

Respectfully,

T. B. Needles.
Commissioner in Charge.

CHOCT

T OFFICE	AGE	SEX	BLOOD	TRIBAL ENROLL	
				YEAR	COUNTY


Jesse Injun Ffb 2 1
dead
Silsey Mason 80
slave
Sarah Taylor ½ (60)
slave
husband
① Solomon Taylor
dead
② Primus Fair
mulR
5454
Anderson Fair 42-¼
mar
Anna Davis
(or Joana ")
mulR
5455
Albert Fair 20
mulR
5456
Kinzie Taylor 30-¼
wife
Anna Taylor
Cora Fair
mar
— Jones
Susie Taylor
mar
— Miller

#3127 No. 5155

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

Name Anderson Fair

Age 42 Blood 1/4

Post-Office, Bentonia, Miss.

Father: Primus Fair Dec'd

Mother: Sarah Taylor Dec'd

Claims through mother

wife Anna Fair Dec'd

No claim for wife.

For self and one child.

Children:

Albert Fair 20

Mothers father Jesse Injun Dec'd

Stenographer R. S. Streit

Choctaw MCR 5456

Kinzie Taylor

See MCR 5455

MCR 5456

5454

Department of the Interior,
Commission to the five Civilized Tribes,
Meridian, Mississippi, April 28, 1902.

In the matter of the application of Kinzie Taylor for identification as a Mississippi Choctaw.

Appearances:
S.A.Beadle, Attorney for Applicant.
A. W.Jones, Agent for Applicant.

Kinzie Taylor, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Kinzie Taylor.
Q How old are you? A About thirty years old, last January.
Q How much Choctaw blood have you? A Quarter.
Q What's your post office address? A Bentonia, Mississippi.
Q What County? A Yazoo County.
Q How long have you lived in Yazoo County, Mississippi? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A Solomon Taylor.
Q Is your mother living? A Yes, sir.
Q What's her name? A Sarah Taylor.
Q Through which one of your parents did you get your Choctaw bleed? A Mother.
Q Has she ever been before the Commission? A No, sir.
Q Where does she live? A She lives inYazoo County.
Q You are a half brother of Anderson Fair, who has just appeared before the Commission? A Yes, sir.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q What's her name? A Anna.
Q Has she any Choctaw blood? A No, sir.
Q You make no claim for her then? A No, sir.
Q Have you any children living? A No, sir.
Q This application, then, is for yourself only, is it? A Yes, sir.
Q Has any application of any description ever been made before today for you for the purpose of establishing your rights as a Choctaw Indian? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under article fourteen of the treaty of Dancing Rabbit Creek?
A Yes, sir.
Q You understand that fourteenth article? A Yes, sir.
Q Did you hear the entire examination of your brother, Anderson Fair? A Yes, sir.
Q Do you know anything more with reference to a compliance on the part of your ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, than what has been disclosed by his testimony? A No, sir.

Q You never heard of any of your people ever having gotten any land or scrip from the Government? A No, sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever comp lied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?
A No, sir.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of dfacts? A No, sir.
Q Have you any witnesses here today to testify in your behalf?
A Grand mother.
Q What's her name? A Ailsey Mason.
Q Have you any written evidence to offer? A No, sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time in support of your application? A No, sir.
Q How many brothers have you living? A One.
Q He is just a half brother? A Yes, sir.
Q Have you any full sisters living? A One.
Q What's her name? A Susie Miller.
Q Have any half sisters living? A One.
Q What's her name? A Cora Jones.
Q You all four have the same mother? A Yes, sir.
Q Have your sisters been before the Commission? A No, sir.
Q Where do they live? A In Yazoo County.
Q Through which one of her parents does your mother get her Choctaw blood? A Her father.
Q What was his name? A Jesse, grand mother said.
Q Do you know the name of his father? A No, sir.
Q Did you ever see him? A No, sir.
Q You know nothing about him? A No, sir.

(This applicant has the appearance of being a full blood negro, does not speak or understand the Choctaw language, and shows no indication of being possessed of Indian blood.)

(Applicant excused.)

Ailsey Mason, being first duly sworn as a witness inbehalf of the above named applicant, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Ailsey Mason.
Q How old are you? A About eighty years old.
Q What's your post office address? A Eden Station, Yazoo County.

M
Kinzie Taylor, 3.

Q How long have you lived in Yazoo County, Mississippi? A Ever since I was sixteen years old.
Q Where did you live before that? A Tennessee.
Q Were you born there? A Yes, sir.
Q Lived there until you came to Mississippi? A Yes, sir.
Q Were you a slave? A Yes, sir.
Q Are you acquainted with the applicant, Anderson Fair? A Yes, sir.
Q And acquainted with the applicant, Kinzie Taylor? A They are my grand children.
Q What was the name of their mother? A Sarah Taylor.
Q What was the name of Anderson's father? A Primus Fair.
Q What was the name of Kinzie's father? A Solemon Taylor.
Q Neither of them had any Choctaw blood? A No, sir.
Q Sarah is your own daughter? A Yes, sir, she is my own child.
Q About how old is she? A About sixty years old, I reckon.
Q Well, how much Choctaw blood has Sarah? A She's half.
Q What was the name of her father? A Jesse, they called him, Jesse Injun.
Q Is he living? A I don;t know whether he is or not. He went away from down here; I don't know whether he is or not.
Q Was he elder or younger than you? A I was a little older than him; I don't know which was the oldest.
Q Did he have any Choctaw blood? A Yes, sir.
Q How much? A He said he was a Injun; I don't know how much he had; he said he was a full blood Injun.
Q Could he speak the Choctaw language? A Yes, sir.
Q Could he speak the English language? A Yes, sir, not much.
Q Where was he born? A In Scott County, he said.
Q How long did you know him? A I knowed him a long time. Stayed there in Yazoo County.
Q Were you married to him? A No, sir.
Q Did you ever have any other children by him? A No, sir.
Q Did you live together as husband and wife? A Yes, sir; he promised to take me back; you know he left and married me, and he didn't do it; he fooled me.
Q How long did you live together? A Long time, some three or four months.
Q You were in slavery at that time, were you not? A Yes,sir.
Q Was he a slave? A No, sir.
Q Do you know the names of his parents? A No, sir.
Q You never have seen himsince the time he left you? A No, sir, never seen him since.
Q Did he have a Choctaw name, do you know? A His name was Jesse; that's all the name he had?
Q You don't know whether any of his ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article, do you? A No, sir.
Q How long was it fromthe time you first saw him until you went to living together? A It was about two months.
Q You knew him altogether about six months? A Yes, sir, about six months.

By S.A.Beadle:
What was Anderson Fair's mother's name? A Sarah.
Q Is Jesse the father of Sarah? A Yes, sir.
Q And you are her mother? A Yes, sir.

Kinzie Tayler, 4.

(This witness is a negro of average intelligence.).

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct t translation of his stenographic notes of said proceedings in said cause upon said date.

R S Streit

Subscribed and swern to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles Hesawyer

Notary Public.

M.C.R. 5456.

COPY.

Muskogee, Indian Territory, December 3, 1903.

Kinzie Taylor,

Boutonia, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anderson Fair, et al., embracing the following applications for identification as Mississippi Choctaws:

Anderson Fair, et al.	M.C.R. 5455
Kinzie Taylor,	M.C.R. 5456

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anderson Fair, Albert Fair and Kinzie Taylor as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be presented, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED. Tanne Bixby.
Acting Chairman.

Registered.

M C R 5426

COPY.

Muskogee, Indian Territory, July 15, 1903.

Kinnie Tayler,
Bentonia, Mississippi.

Dear Sir:

You are hereby notified that on the 26th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anderson Fair et al., of which decision you were advised by registered mail on the 2nd day of December 1902.

Respectfully,

T. B. Needles.
Commissioner in Charge.

No. 5456

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 28 1902

Name Kinzie Taylor

Age 30 Blood 1/4

Post-Office, Bentonia, Miss.

Father: Solomon Taylor d

Mother: Sarah " d

Claims through mother.

Wife Anna Taylor d
no claim for wife.

Children:

For self only

Stenographer R. S. Stuart

Choctaw MCR 5457

Maggie Broglin

MCR 5457

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Maggie Broglin, et al., for identification as Mississippi Choctaws, M. C. R. 3487

List of papers forwarded to the Secretary of the Interior embracing the record in the case of Maggie Broglin, et al.

Page.

Original application of Maggie Broglin, et al., before the Dawes Commission, for identification as Mississippi Choctaws,..... 1

Affidavit of Lizzie Robinson,..... 7

Decision of the Commission refusing the application of Maggie Broglin, et al., for identification as Mississippi Choctaws,..... 8

5457

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 28, 1902.

In the matter of the application of Maggie Broglin for the identification of herself and her two minor children, Moses Broglin Jr/, and Earl Broglin, as Mississippi Choctaws.

Appearances:

S.A.Beadle, Attorney for Applicant.
A. W.Jones, Agent for Applicant.

Maggie Broglin, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Maggie Broglin.
Q How old are you? A Thirty.
Q How much Choctaw blood have you? A I am quarter, I think.
Q What's your post office address? A Memphis, Tennessee, 160 South Second Street.
Q How long have you lived in Memphis? A Just a year.
Q Where did you live before that? A Little Rock, Arkansas.
Q How long? A Five years.
Q Where did you live before that? A In Mississippi.
Q What county? A In Tunica.
Q How long did you live in Tunica County, Mississippi? A I lived there until I was fifteen years old, and I went off to school, and stayed off until I married.
Q Is your father living? A No, sir.
Q What was his name? A Shade Bostick.
Q Is your mother living? A No, sir.
Q What was her name? A Sallie Bostick.
Q Through which one of your parents did you derive your Choctaw blood? A Both.
Q How much Choctaw blood did your father have? A He was about a quarter; I think his father was half, he said.
Q How much Choctaw blood did your mother have? A She said she was half.
Q Where was your father born? A In Mississippi.
Q What county? A Tunica County.
Q Lived there all his life? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q You say his father was half blood? A Yes, sir.
Q What was his name? A Sam Blackburn.
Q Was Sam a slave too? A Yes, sir.
Q Did you ever see him? A Yes, sir.
Q Where was he born? A Said he was born in Mississippi.
Q What county? A Tunica.
Q Lived there all his life? A Yes, sir.
Q How old would he be if he were living now? A I don't know, my father would be about seventy three, or four, and I don't know how old he would be.
Q What was your father's mother's name? A I don't know her name.

Q Do you know this man, Blackburn's father's name? A No, sir.
Q Or his mother's name? A No, sir.
Q Which one of his parents was an Indian? A My father's grand father.
Q Were the father and mother of this man, Blackburn, married, do you know? A Yes, sir.
Q How do you know? A I he rd them say they was.
Q I am talking about Blackburn's father and mother - your grand-father's father and mother? A I don't know about that.
Q You thought I referred to your grand parents? A Yes, sir.
Q What was the name of your father's mother? A I don't know.
Q How many full brothers and sisters did your father have? A I don't know, exactly; I know there is as many as ten or twelve.
Q Through which one of her parents did your mother get her Choctaw blood? A Her mother.
Q Your mother lived in Mississippi all her life? A Yes, sir.
Q What was the name of your mother's mother? A Named Easter; I don't know the last name.
Q Was she a slave? A I don't know, sir.
Q Did you ever see her? A No, sir.
Q Do you know anything about where she was born? And lived during her life time? A Mother said she was born in Mississippi.
Q Did she live here in Mississippi all her life? A Yes, sir, she died in Tunica.
Q Do you know the names of her parents? A No, sir.
Q Could your mother speak the Choctaw language? A No, sir.
Q Could your father? A No, sir.
Q You can't? A No, sir.
Q Were your father and mother married? A Yes, sir.
Q How long did they live together? A Well, my father died when I was a little girl; he died about twenty five years ago; I don't know how old my oldest brother is - lived together about forty years.
Q Continuously? A Yes, sir.
Q Are you married? A Yes, sir.
Q Husband living? A Yes, sir.
Q What's his name? A Moses Broglin.
Q He has no Choctaw blood, has he? A No, sir.
Q You make no claim for him? A No, sir.
Q How many children have you living? A Two.
Q What are their names and ages? A Moses Broglin Jr. He is five.
Q Next? A Earl, one year old and eight months.
Q These two are the children of yourself and Moses Broglin? A Yes, sir.
Q They are living with you now? A Yes, sir.
Q This application, then, is for yourself and two minor children?
A Yes, sir.
Q Has any application of any kind ever been made before today for you or either of these children for the purpose of establishing your rights as Choctaw Indians? A Not that I know of.
Q Do you appear before the Commission at this time for the purpose of claiming rights in this Choctaw lands, in Indian Territory, for yourself and these two minor children under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that fourtenth article? A Yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with the provisions of that fourteenth article, or ever receive any benefits thereunder? A No, sir, not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama in 1830, when this treaty was made? A I don't know.
Q Do you know whether they lived here at that time? A No, sir, I don't know.
Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
A I don't know, sir; not that I know of.
Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A No, sir, not that I know of.
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of

of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?
A No, sir, not that I know of.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know of any.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
Q Have you any witnesses here today to testify in your behalf?
A No, sir.
Q Have you any written evidence of any kind to offer? A Yes, sir.

The affidavit of Lizzie Robinson is offered in evidence, identified as Exhibit "A", filed, and made a part of the record in this case.

Q Who is this woman, Lizzie Robinson? A She is an old friend of my mother's.
Q Any kin to you? A No, sir.
Q Interested any way in the result of your application? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No, sir, I guess not.

By S.A.Beadle:
Were your father and mother living together as husband and wife as late 1870? A Yes, sir.

By S. A. Beadle:
We desire to here offer in evidence section twenty two of the Constitution of Mississippi, adopted December 1st, 1869, which is as follows:

(Statement by Stenographer) Section twenty two of the Constitution of Mississippi, above referred to was not read or offered in evidence. Said section may be found in the application of Chaney Jones, et al., for identification as Mississippi Choctaws, M.C.R.5295.)

Maggie Broglin, et al., S.

By Commission:
Have you any brothers living? A No, sir.
Q How many brothers did you have? A Seven.
Q Did any of them leave children? A No, sir, none of them were grown.
Q Did you ever have any sisters? A Yes, sir.
Q How many? A Two.
Q Are either of them living? A No, sir.
Q Well, did either of them leave children? A No, sir.
Q Has your father any sisters living? A Yes, sir.
Q How many? A Two.
Q What are their names? A Mary Umphrey and Jennie Bostick.
Q Where do they live? A Nashville, Tennessee.
Q Have they been before this Commission? A No, sir.
Q Has your father any brothers living? A Yes, sir.
Q How many? A One now.
Q What's his name? A Thomas Harris.
Q Full brother of your father's? A Yes, sir.
Q Are these sisters, full sisters? A Yes, sir.
Q Has your fatherany brothers dead who left children? A Yes, sir.
Q How many? A Sam Harris is dead, and he left one boy.
Q Is the boy living? A yes, sir.
Q What's his name? A Willie Harris.
Q Where does he live? A Nashville, Tennessee.
Q Has he been before the Commission? A No, sir.
Q Did your father ever have any other brothers dead who left children? A No, sir.
Q Has your father any sisters dead? A Yes, sir.
Q How many? A I don't know of but one that's dead.
Q Did she leave children? A Yes, sir.
Q How many? A They left two in Illinois; I don't know how many.
Q Do you know the names of them? A No, sir.
Q Have they been before the Commission? A Not that I know of. I wrote them, but I never received any answer.
Q Has your mother any brothers living? A No, sir.
Q Did she ever have any? A I don't know that she did.
Q Did she ever have any sisters? A No, sir, never heard her say.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates. Her hair is black and comparatively straight. She has none of the features of an Indian.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commissionto the Five Civilized Tribes he reported in full all proceedings had inthe above entitled cause at Meridian, Mississippi, on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenogrpphic notes of said proceedings in said cause upon said date.

R. S. Streit

Maggie Breglin, et al., &.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles H. Saunders

Notary Public.

W.A.L.
C.W.W.

COPY

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Maggie Broglin, et al., for identification as Mississippi Choctaws, M.C.R. 5457.

--- D E C I S I O N ---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Maggie Broglin for herself and her two minor children, Moses Jr., and Earl Broglin, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Sam Blackburn, who is alleged to have been an one half blood Choctaw Indian, and "Easter", who is alleged to have been possessed

of some Choctaw Indian blood (degree thereof not stated), and Shade Bostick (or Bostic), who is alleged to have been an one fourth blood Choctaw Indian, and Sallie Bostick (or Bostic), who is alleged to have been an one half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Sam Blackburn, or Easter, or Shade Bostick (or Bostic), or Sallie Bostick (or Bostic) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie

Broglin, Moses Broglin, Jr. and Earl Broglin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
DEC 6 1902.

M.O.R.5457.

COPY.

Muskogee, Indian Territory, December 6, 1902.

Maggie Broglin,

Memphis, Tennessee.

Dear Madam:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Maggie Broglin, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie Broglin, Moses Broglin, Jr., and Earl Broglin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

M. B., 2.

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED Tatme Bixby.
Acting Chairman.

Registered.

M.C.R.5457

COPY

Muskogee, Indian Territory, December 6, 1902.

S. A. Beadle,

Attorney-at-Law,

Jackson, Mississippi.

Dear Sir:-

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Maggie Broglin, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

> "Said Commission shall have authrity to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie Broglin, Moses Broglin, Jr., and Earl Broglin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

S.A.B.,2.

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby.
Acting Chairman.

Registered.

N.C.R.5457.

COPY.

Muskogee, Indian Territory, December 6, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Maggie Broglin, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie Broglin, Moses Broglin, Jr., and Earl Broglin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

[illegible]

Acting Chairman.

M.C.R.5457

COPY

Muskogee, Indian Territory, December 6, 1902.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Maggie Broglin, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie Broglin, Moses Broglin, Jr., and Earl Broglin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which

A. W. J., 2.

to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) James Kinney.

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Maggie Broglin, et al. applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the principal applicant herein, her agent, attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Commissioner of Indian Affairs.

Acting Chairman.

Enc. M.C.R. 5457

COPY

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land
76193--1902.

February 28, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Maggie Broglin, for herself and her two minor children, Moses, Jr., and Earl Broglin, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application, on their descent from Sam Blackburn and one "Easter", and it is alleged were Choctaw Indians and residents of the Choctaw Nation in Mississippi, at the time of the making of the Choctaw treaty of 1830, through Shade and Sallie Bostick (or Bostic), mother and father of the principal applicant.

The Commission rejected the applicants December 6, 1902, because the names of their ancestors through whom they claim do not appear among those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830,

and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of Sam Blackburn, "Easter", Shade and Sallie Bostick (or Bostic), and it is discovered that their names no not appear among those who complied or attempted to comply with the provisions of article 14 of said treaty; neither does it appear that they applied to the commissions appointed to adjudicate the claims of those having rights as Choctaw Indians

These being the facts it is respectfully recommended that the decision of the Commission rejecting the parties, hereto, be approved.

Very respectfully,

(signed) A. C. Tonner,

Acting Commissioner.

C.T.C.(E.)

Copy

DEPARTMENT OF THE INTERIOR. FHE
WASHINGTON.

D C 9133
I T D 2496-1903. March 30, 1903.

L R S

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

December 22, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Maggie Broglin (M C R 5457,) for herself and her two minor children, Moses Jr., and Earl Broglin, including your decision of December 6, 1902, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Sam Blackburn, who is alleged to have been possessed of some Choctaw blood (degree thereof not stated), and Shade Bostick (or Bostic), who is alleged to have been an one-fourth blood Choctaw Indian, and Sallie Bostick (or Bostic), who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in 1830.

The records fail to show that these applicants were ever admitted or enrolled as members of the Choctaw tribe of

Indians, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts relating thereto.

Reporting in the matter February 28, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

TheDepartment finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(Signed) THOS RYAN

Acting Secretary.

1 inclosure.

COPY. C R 5457

Muskogee, Indian Territory, April 7, 1903.

Maggie Broglin,

Memphis, Tennessee,

Dear Madam:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Maggie Broglin et al., of which decision you were advised by registered mail on the 6th day of December 1902.

Respectfully,

(SIGNED) C. R. Breckinridge.

Commissioner in charge.

M C R 5437

COPY.

Muskogee, Indian Territory, April 7, 1903.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Maggie Broglin et al., on which decision you were advised by registered mail on the 6th day of December 1902.

Respectfully,

(SIGNED).

C. R. Breckinridge.

Commissioner in charge.

M C R 5457

COPY.

Muskogee, Indian Territory, April 7, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Maggie Broglin et al., of which decision you were advised by mail on the 6th day of December 1902.

Respectfully,

(SIGNED). *C. R. Breckinridge.*
Commissioner in charge.

M C R 3457

COPY.

Muskogee, Indian Territory, April 7, 1903.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Maggie Broglin et al., of which decision you were advised by registered mail on the 6th day of December 1902.

Respectfully,

(SIGNED)

C. R. Breckinridge.
Commissioner in charge.

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 28 1902

Name Maggie Broglin

Age 30 Blood 1/4

Post-Office 160 South 2nd St. Memphis, Tenn.

Father: Shade Bostick 1/4 d

Mother: Sallie " 1/2 d

Claims through husband Both parents.

" Moses Broglin "

no claim for husband.

Children:

Moses Broglin Jr. 5

Earl " 1

Divided 2 children

Stenographer R. S. Strut

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED
MAY 11
MUSKOGEE, IND. TER.

4807

Maggie Broglin,

~~Memphis, Tennessee~~.

T OF THE INTERIOR,
TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 20 1903

ACTING CHAIRMAN

REGISTERED

Choctaw MCR 5458

America Williams

See MCR 5268

MCR 5458

5458

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 28, 1902.

In the matter of the application of America Williams for the identification of herself and her eight minor children, Albert, Joseph, Gibbs, Douglas, Sallie, Annie, Mary and Margaret Williams, as Mississippi Choctaws.

America Williams, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A America williams.
Q How old are you? A Thirty eight years old.
Q How much Choctaw blood have you? A One eighth.
Q What's your post office address? A Satartia, Mississippi.
Q what county? A Yazoo County.
Q How long have you lived in Yazoo County, Mississippi? A All my life.
Q Is your father living? A Yes, sir.
Q What's his name? A Thomas Wells.
Q Mother living? A yes, sir.
Q What's her name? A Margaret Wells.
Q Has your father been before the Commission? A Yes, sir, he was here two weeks ago today.
Q You get your Choctaw blood solely through your father, do you?
A Yes, sir.
Q Have you any minor brothers and sisters? A No, sir.
Q None of them under age? A No, sir.
Q Were your father and mother married under a license? A They was married in slavery time.
Q Have they lived together all the time since then? A Yes, sir, living together now.
Q How many children have been born to them? A Seven.
Q Has your father lived in Yazoo County all his life? A No, sir.
Q Has he lived in this State all his life? A Yes, sir.
Q Was he a slave? A Yes, sir, my father was a slave.
Q And your mother? A Yes, sir.
Q Through which one of his parents did your father get his Choctaw blood? A His father.
Q What was his name? A Enis Reed.
Q Did you ever see him? A No, sir.
Q Where did he live duringhis life time? A Kemper County, Mississippi.
Q Through which one of his parents did he get his Choctaw blood?
A His father.
Q What was his name? A Bob Hubbee.
Q Did you ever see him? A No, sir.
Q Do you know where he lived? A No, sir.
Q You don't know anything about him at all? A No, sir.
Q Are you married? A Yes, sir.
Q Husband living??A Yes, sir.
Q What's his name? A William Williams.
Q Are you and William living together now? A Yes, sir.

Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him? A No, sir.
Q How many children have you living? A Eight.
Q What are their names and ages? A Albert.
Q How old? A Fourteen years old.
Q Next? A Joseph, twelve years old.
Q Next one? A Gibbs, ten years old.
Q Next one? A Douglas.
Q How old? A Eight years old.
Q Next? A Sallie.
Q How old? A Six years old.
Q Next? A Annie.
Q How old? A Four years old.
Q Next one? A Mary.
Q How old? A Two years old.
Q Next one? A Margaret.
Q How old? A One year old.
Q Are these children all living with you at this time? A Yes, sir.
Q Are they all the children of yourself and William Williams? A Yes, sir.
Q This application, then, is for yourself and eight minor children?
A Yes, sir.
Q Has any application, of any description, ever been made before today for you or any of these children, for the purpose of establishing your rights as Choctaw Indians? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the 14th article of the treaty of Dancing Rabbit Creek?
A Yes, sir.
Q You understand that 14tha rticle, do you? A yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?
A Not as I knows of.
Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, inthe year 1830, when this treaty was made? A No, sir, not that I know of.
Q Did any of them live here at that time, to your knowledge?
A I got an uncle seventy five years old.
Q Did he live here at that time? A Yes, sir.
Q Was he your father's brother? A He was my uncle's mother.
Q He has no Choctaw blood? A No, sir.
Q I am speaking of your Choctaw ancestors? A I don't know, sir.
Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
A Not that I knows of.
Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A Not that I know of.
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.
Q Did any of them ever receive any land from the Government? A No, sir.
Q Or any money? A No, sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land./ The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts betwen the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi, and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article fourteen of to the treaty of Dancing Rabbit Creek? A Not as I knows of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, e he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?
A Not that I know of.
Q If any of your ancestors, then, ever received any benefits whatever as Choctaw Indians, you never heard of it? A No, sir.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.
Q Have you any witnesses here today to testify in your behalf?
A No, sir.

Q Any written evidence of any kind to offer? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, in support of your application, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements youwant to makeat this time in support of your application? A No, sir.
Q Have you any brothers living? A ONe,
Q What's his name? A Henderson Wells.
Q Where does Henderson live? A Louisiana.
Q Has he been before this Commission? A No, sir.
Q Have you any sisters living? A Yes, sir.
Q How many? A Three.
Q What are their names? A One of them, Emma Vincent, is here today.
Q Next? A Mary Cowan, she has been here.
Q Next? A Anna Harris, she has been here.
Q Have you any brothers dead? A yes, sir, two.
Q Did either of them leave children? A No, sir.
Q Have you any sisters dead? A No, sir.
Q Has your father any brothers living? A I don't know, sir.
Q Any sisters? A I don't know, sir.
Q Did you ever hear of him having any brothers or sisters?
A Yes, sir, I have seen some of them.
Q You don't know whether they are living or not? A No, sir, they all live in Neshoba.
Q You don't speak or understand the Choctaw language? A No, sir.
Q Does your father? A Yes, sir.
Q How do you know? A I have heard him talking; I have heard him speak it.
Q How do you know it was the Choctaw language? A When I was growing up, they used to come through with baskets, seel ing them, and used to talk all the time, and I wouldn't know what they was saying to each other.

(Thisapplicant has the appearance of being a fullblood negro, except that her hair is inclined to be straight. She has none of the features of an Indian, and does not speak or understand the Choctaw language.)

R.S.Streit, being first duly sworn,upon his oath states that as stenographer to the Commission to the Five Civilized Tribes,he reported all proceedings had in the above entitled cause on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes in said cause upon said date.

R S Streit

Subscribed and sworn to before me at Muskogee,Indian Territory, this 15th day of May, 1902.

Charles N. Sawyer Notary Public.

M.C.R.5458

COPY

Muskogee, Indian Territory, September 2, 1902.

America Williams,

Satartia, Mississippi.

Dear Madam:

You are hereby advised that on the 2nd day of September 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tom Wells, et al., embracing the following applications for identification as Mississippi Choctaws:

Tom Wells,	M.C.R.5268
America Williams, et al.,	M.C.R.5458
Mary Cowan, et al.,	M.C.R.5267
Emma Vincent, et al.,	M.C.R.5459
Annie Harris,	M.C.R.5266

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the

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the evidence herein is insufficient to determine the identity of Tom Wells, America Williams, Alberta Williams, Joseph Williams, Gibbs Williams, Douglas Williams, Sallie Williams, Annie Williams, Mary Williams, Margaret Williams, Mary Cowan, Flossie Cowan, D.C. Cowan, Maggie E. Cowan, Alma Cowan, Emma Cowan, Donnie E. Cowan, Lincoln H. Cowan, Thomas C. Cowan, Emma Vincent, Oliver Vincent and Annie Harris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tams Bixby.

Acting Chairman.

Registered.

M.C.R. 5458

COPY.

Muskogee, Indian Territory, January 16, 1903.

America Williams,

Satartia, Mississippi.

Dear Madam:

You are hereby notified that on the 5th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Wells, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

Commissioner in charge.

No. 5158

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 25 1902
Date

Name America Williams

Age 38 Blood 1/8

Post-Office Satartia Miss.

Father: Thomas Wells L

Mother: Margaret L

Claims through father

husband William Williams
no claim for husband. L

Children:

Albert	Williams	14
Joseph	"	12
Gibbs	"	10
Douglas	"	8
Sallie	"	6
Annie	"	4
Mary	"	2
Margaret	"	1

Stenographer R. S. Streib

Choctaw MCR 5459

Emma Vincent

See MCR 5268

MCR 5459

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 28,1902.

In the matter of the applicantion of Emma Vincent for the identification of herself and her one minor child, Oliver, as Mississippi Choctaws.

Emma Vincent, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Emma Vincent.
Q How old are you? A Thirty years old.
Q How much Choctaw blood have you? A One-eighth.
Q What's your post office address? A Enola, Mississippi.
Q What county? A Yazoo County.
Q How long have you lived in Yazoo County? A Born there.
Q Lived there all your life? A Yes, sir.
Q Is your father living? A Yes, sir.
Q What's his name? A Thomas Wells.
Q Your mother living? A Yes, sir.
Q What's her name? A Margaret Wells.
Q Through which one of your parents do you get your Choctaw blood?
A Father.
Q Where was he born? A Kemper County.
Q Has he lived in the State of Mississippi all his life? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q Are you a full sister of America Williams who just appeared before the Commission? A Yes, sir.
Q Are you married? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q What's his name? A Robert Vincent.
Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him, then? A No, sir.
Q How many children have you living? A One.
Q What's that child's name? A Oliver.
Q How old? A Three years.old.
Q This application, then, is for yourself and one child? A Yes, sir
Q Has any application of any description ever been made before today for yourself or this child for the purpose of establishing your rights as Choctaw Indians? A No, sir.
Q Has your father been before this Commission? A Yes, sir.
Q When? A About two weeks ago.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and one minor child, under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that fourteenth article? A Yes, sir, I understand it
Q Did you hear the entire examination of your sister? A Yes, sir.
Q America Williams? A Yes, sir.
Q Do you know anything more with reference to a compliance on the

part of your ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek than what is disclosed by her testimony? A No, sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time?

A No, sir.

Q Any witnesses here today to testify inyour behalf? A No, sir.

Q

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time in support of your application? A No, sir.

Q Did you ever hear of any of your ancestors ever having received any land or money from the Government? A No, sir.

Q Or scrip under this Act of Congress approved August 23, 1842?

A No, sir.

Q You don't speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being a full blood negro, except that her hair is somewhat inclined to be straight. She has none of the features of an Indians, and does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedin s in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles McLanyon

Notary Public.

M.C.R.5459

COPY.

Muskogee, Indian Territory, September 2, 1902.

Emma Vincent,

Enola, Mississippi.

Dear Madam:

You are hereby advised that on the 2nd day of September 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tom Wells, et al., embracing the following applications for identification as Mississippi Choctaws:

Tom Wells,	M.C.R.5268
America Williams, et al.,	M.C.R.5458
Mary Cowan, et al.,	M.C.R.5267
Emma Vincent, et al.,	M.C.R.5459
Annie Harris,	M.C.R.5266

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts ne necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the

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evidence herein is insufficient to determine the identity of Tom Wells, America Williams, Albert Williams, Joseph Williams, Gibbs Williams, Douglas Williams, Sallie Williams, Annie Williams Mary Williams, Margaret Williams, Mary Cowan, Flossie Cowan, D.C. Cowan, Maggie E. Cowan, Alma Cowan, Emma Cowan, Dennie E. Cowan, Lincoln H. Cowan, Thomas C. Cowan, Emma Vincent, Oliver Vincent, and Annie Harris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tams Bixby

Acting Chairman.

Registered.

M.C.R. 5459

Muskogee, Indian Territory, January 16, 1903.

Emma Vincent,

Enola, Mississippi.

Dear Madam:

You are hereby notified that on the 5th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Wells, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

(SIGNED)

Commissioner in charge.

#2131 " No. 5459

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

Name Emma Vincent

Age 30 Blood 1/8

Post-Office, Enola, Miss

Father: Thomas Wells L

Mother: Margaret " L

Claims through husband Robert Vincent. L

no claim for husband.

For self and one child.

Children:

Oliver Vincent 2.

R. S. Strait

Stenographer.

Choctaw MCR 5460

Jane McIntyre

See MCR 5461

MCR 5460

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:-----

In the matter of the application of Jane McIntyre, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Jane McIntyre, M C R 8460

Colie McIntyre, et al., " 8461

List of papers forwarded to the Secretary of Interior comprising the record in the consolidated case of Jane McIntyre, et al.

Original application of Jane McIntyre to the Dawes Commission for identification as Mississippi Choctaw 1

Affidavit of Will S. Martin..... 6

Original application of Colie McIntyre, et al., to the Dawes Commission for identification as Mississippi Choctaws.....8

Marriage certificate between Cole McIntyre and Josephine Reynolds..... 11

Decision of the Commission refusing the applications in the consolidated case of Jane McIntyre, et al., applications for identification as Mississippi Choctaws..... 12

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546

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 28, 1902.

In the matter of the application of Jane McIntyre for identification as a Mississippi Choctaw.

Appearances:
S.A.Beadle, Attorney for Applicant.
A. W.Jones, Agent for applicant.

Jane McIntyre, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Jane McIntyre.
Q How old are you? A I am seventy five this gone Christmas.
Q How much Choctaw blood have you? A Well, I reckon I am half, or maybe more; my grand mother was a Injun.
Q What's your post office address? A Fayette, Mississippi.
Q What county? A Jefferson County.
Q How long have you lived in Jefferson County? A I was born and raised in Mississippi; part of the time I was going from one county to another, Jefferson and Adam, but I was born and raised out close to Natchez.
Q You have lived in this State all your life? A Yes, sir.
Q Were you a slave? A No, sir. Given to a white man; they raised me. A white lady raised me.
Q You were not held in slavery? A No, sir.
Q Is your father living? A No, sir.
Q What was his name? A Stephen Herrin.
Q Your mother living? A No, sir.
Q What was her name? A Eliza.
Q Through which one of your parents did you get your Choctaw blood? A My mother.
Q Your father had none? A No, sir, not that I know of.
Q Where was your mother born? A Out near Kingston, Mississippi.
Q In what county? A Adams County, near the line.
Q Did she live there all her life? A Ever since I can remember.
Q Was she a slave? A I couldn't tell you; she was a slave, but the man she was raised with - I couldn't tell you much about it - I was taken away when I was small. I don't know much about her.
Q How much Choctaw blood did she have? A I don't know, sir.
Q Through which one of her parents did she get her Choctaw blood?
A Her mother.
Q What was her name? A Fannie.
Q Fannie what? A Fannie Leland.
Q Was she a slave? A I don't know, sir.
Q How much Choctaw blood did Fannie have? A She was a Injun; I couldn't tell you what it was, but she was always called Choctaw Indian, but I couldn't tell you whether it was whole or half.
Q Do you know the name of her father or mother? A No, sir.
Q Do you know where she was born? A No, sir, but she was raised

d down about Kingston; I often heard her say when she was a little girl, how she used to run about Kingston.
Q So far as you know, she lived in this State all her life?
A Yes, sir.
Q Do you understand the Choctaw language? A I can understand some of it, I wasn't with them any since I was little.
Q Could your mother speak or understand the Choctaw language?
A My grand mother and her children could, but I couldn't.
Q Could your mother? A Yes, sir.
Q She could? A Yes, sir.
Q Well, according to your statement, your mother couldn't have been more than one half Choctaw blood; that would make you one quarter?
A Yes, sir, I don't know --
Q You are not certain that your grand mother was a full blood?
A She was always called that.
Q Do you know the name of your mother's father? A Latimore.
Q What other name did he have? A I never heard any other, but I know they used to call him Latimore.
Q Are you married? A No, sir.
Q You have been married? A Yes, sir.
Q Husband dead? A Yes, sir.
Q Have you any children under age? A No, sir.
Q Were you married more than once? A No, sir.
Q Did your husband have any Choctaw blood? A I couldn't tell you. Not that I know of.
Q This application is for yourself only? A That's all.
Q Has any application of any description ever been made for you befo today for the purpose of establishing your rights as a Choctaw Indian? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under article fourteen of the treaty of Dancing Rabbit Creek?
A Yes, sir.
Q You understand that fourteenth article? A Yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with the provisions of that article or ever receive any benefits under that article? A No, sir.
Q You are sure of that, are you? A Not that I heard of.
Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir.
Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
A No, sir.
Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A No, sir.
Q Do you know about that? A Not that I know of.
Q Did any of them ever claim or receive any land here in Mississippi fromthe Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.
Q Did you ever hear of any of yourpeople ever having gotten any land from the Government? A No, sir.
Q Or any money? A No, sir.

Jane McIntyre, 3.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, inmany instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused agreat deal of complaint among the Indians, and the matter was finally brought to te the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No, sir, I never heard of it, myself.
Q Did you ever hear of these commissioners at the time they were down here? A No, sir, this is the first.

An act of Congress approved on the 23rd day of August, 184 2 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of congress? A No, sir.
Q So far as you know, none of your people ever got any benefits whatever as Choctaw Indians? A No, sir, not that I know anything about.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?
A No, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
Q Have you any written evidence to offer at this time in support of your application? A Yes, sir.

Affidavit of Will T. Martin is offered in evidence, identified as Exhibit "A", filed, and made a part of the record in this case.

Q What was the name of your husband? A Cole McIntyre.
Q He had no Choctaw blood? A No, sir, not that I know of.
Q What was he? A He went for a white man, but I think he was Scotch.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statemnts you want to make at this time in support of your application? A No, sir.
Q How many children have you living? A Seven.
Q What are their names? A Monroe McIntyre, Addison McIntyre, Henderson McIntyre, George McIntyre, John McIntyre, Cole McIntyre, who is here and Lizzie.
Q Is she married now? A She has been, but she is a widow now.
Q What's her married name? A Lizzie Bird.
Q How many children have you dead? A I am the mother of twelve,and have got seven living.
Q That leaves five dead? A Yes, sir.
Q Did any of them leave children? A Yes, sir; a daughter died last year she left seven children.
Q What was her name? A Eliza Dantz; George Dantz is living, her husband.
Q Do the children live with him? A Yes, sir.
Q What are the names of those children? A Her oldest daughter is named Lucinda A, Lucy and Clarence and Genevia, and I can't think of the two little ones, one little boy is named George. I have a son dead who leftmseven children.
Q What was his name? A His name was Sylvester McIntyre.
Q Where do the children live now? A In Franklin County, near me.
Q All of them are living now? A Yes, sir.
Q What are their names? A The oldest one is Andrew McIntyre, Pearlie
Q Another one? A Riley.
Q Another one? A I can't remember the names of the rest of them.
Q Has any application been made for them to this commission?
A No, sir, I don't suppose they know anything about it.
Q What is their mother's name? A Elsie.
Q Is she living? A Yes, sir.
Q What is their post office address? A I don't remember.
Q Have you any brothers living? A No, sir, never had - I have not seed them since I left; I had a full brother, yit I haven't seed them since we were little children; I had a whole sister; me and

her were twins.
Q Y u never heard of her since? A I heard she was dead, but I don't know it is so, or not.
Q Do you know whether she left any children? A The gentleman that told me said she had three.
Q Where do they live? A In Louisiana.
Q Do you know their names? A I don't know her children's name; her name was Frances; I had a half brother named Henderson.

By A.W.Jones:
Did the Indians ever claim a relation to you? A yes, sir, some up here at Jackson; Iddian John.
Q Well, anybody else? A Well, I used to go amongst them all the time.
Q I want to ask you if you knew one Martin the man who gave the affidavit in your case? A He knows more about me than I do myself.
Q You are acquainted with him? A Yes, sir.
Q What was his occupation during her life time, do you know?
A He was a magistrate, or something - connected in the law business
Q Was he District attorney? A Something like that; I think that's what it was. There's a hap of things I don't know straight, but I never took nonotice to them.

(Applicant as the appearance of being possessed of a mixture of negro and white or Indian blood; her hair is straight; she has rather high chee bones, very dark skin and dark eyes. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had inthe above entitled cause at Meridian, Mississippi on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th day of May, 1902.

Charles R. Saunders

Notary Public.

Choc
Cow.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jane McIntyre, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Jane McIntyre,	M C R 5460
Celie McIntyre, et al.,	" 5461

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Jane McIntyre for herself, and by Celie McIntyre for himself and his seven minor children, Pearla, Andrew, Ethel, Alberta, Alfred, Lillian and Hulda McIntyre, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Fannie Leland, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Fannie Leland, or ancestors less remote, or the applicant Jane McIntyre, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane McIntyre, Celia McIntyre, Pearla McIntyre, Andrew McIntyre, Ethel McIntyre, Alberta McIntyre, Alfred McIntyre, Lillian McIntyre and Hulda McIntyre as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) [illegible]
Commissioner.

Muskogee, Indian Territory,
OCT 29 1902

M.C.R. 5460

COPY.

Muskogee, Indian Territory October 29, 1902.

Jane McIntyre,

Fayette, Mississippi.

Dear Madam:

You are hereby advised that on the 29th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jane McIntyre, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane McIntyre,	M.C.R. 5460
Colie McIntyre, et al.,	M.C.R. 5461.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane McIntyre, Colie McIntyre, Pearla McIntyre, Andrew McIntyre, Ethel McIntyre, Alberta McIntyre, Alfred McIntyre, Lillian McIntyre and Hulda McIntyre as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the

applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Digby.

Acting Chairman.

Registered.

M.C.R. 5460

Muskogee, Indian Territory October 29, 1902.

S. A. Beadle,

Attorney at Law.

Jackson, Mississippi.

Dear Sir:-

You are hereby advised that on the 29th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jane McIntyre, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane McIntyre,	M.C.R. 5460
Colie McIntyre, et al.,	M.C.R. 5461.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane McIntyre, Colie McIntyre, Pearla McIntyre, Andrew McIntyre, Ethel McIntyre, Alberta McIntyre, Alfred McIntyre, Lillian McIn-

tyre and Hulda McIntyre as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby

Acting Chairman.

Registered.

M.C.R. 5460.

Muskogee, Indian Territory October 29, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 29th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jane McIntyre, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane McIntyre,	M.C.R. 5460
Colie McIntyre, et al.,	M.C.R. 5461.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane McIntyre, Colie McIntyre, Pearla McIntyre, Andrew McIntyre, Ethel McIntyre, Alberta McIntyre, Alfred McIntyre, Lillian McIntyre and Hulda McIntyre as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article four-

A W J -2

teen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 5460

Muskogee, Indian Territory October 29, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 29th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jane McIntyre, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane McIntyre,	M.C.R. 5460
Colie McIntyre, et al.,	M.C.R. 5461.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane McIntyre, Colie McIntyre, Pearla McIntyre, Andrew McIntyre, Ethel McIntyre, Alberta McIntyre, Alfred McIntyre, Lillian McIn-

tyre and Hulda McIntyre as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby

Acting Chairman.

COPY

[illegible], Indian Territory, [illegible] 1, 1902.

[illegible],

Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Jane McIntyre, et al., applicants for admission for identification as Mississippi Choctaws, including the decision of the Commission of October 29, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Jane McIntyre M.C.R. 5460.
Collie McIntyre, et al., M.C.R. 5461.

The Commission has the honor to report that the principal applicants in the several separate applications, their agent and attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

[illegible]
Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 5460.

Miss.Choctaw R5460

Muskogee, Indian Territory, November 18,1902.

Jane McIntyre,

Fayette, Mississippi,

Dear Madam:

Receipt is hereby acknowledged of affidavit of Malvina Black, offered in support of the applications of Jane McIntyre, et al. for identification as Mississippi Choctaws and the same is herewith returned to you for the reason that there is nothing contained in said affidavit showing the compliance of your Choctaw ancestors with the provisions of article fourteen of the treaty of 1830, and, the fifteen days heretofore granted herein for the introduction of argument having expired on November 13, 1902, the record in the case was, on November 14, 1902, transmitted to the Secretary of the Interior for review. You will be notified in due time of such action as may be taken by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Land
68831-1902

COPY

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February,19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Jane McIntyre, for the identification of herself; and the application of Collie McIntyre, for the identification of himself and his seven minor children, Pearla, Andrew, Ethel, Alberta, Alfred, Lillian and Hulda McIntyre as Mississippi Choctaws.

On October 29, 1902 the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaws Indians entitled to rights in the Choctaw lands under the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the record evidence shows that all of these applicants claim to be descendants of one Fannie Leland, who is alleged to have been a Choctaw Indian of the full blood, but an examination of the record evidence fails to show that the said Fannie Leland or the applicant Jane McIntyre ever complied or attempted to comply with the provisions of the 14th article of the treaty of

1830; nor do the records of this office show that either of said persons ever received a patent for land under said article 14 or complied or attempted to comply with its provisions in any manner whatever. The record evidence does show that none of these applicants are Choctaw Indians of the full blood.

By reason of the premises the office believes that the said decision of the Commission is correct, and recommends that the same be affirmed by the Department.

Very respectfully,

(Signed) A C Tonner,

Acting Commissioner.

W.C.B. (E)

D.C.8308-1903
I.T.D.2056-1903

COPY

DEPARTMENT OF THE INTERIOR.
WASHINGTON,

MAY

March 21, 1903.

LRS

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 14, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Jane McIntyre, and of Colie McIntyre and his minor children, Pearla, Andrew, Ethel, Alberta, Alfred, Lillian and Hulda McIntyre. You refused the applications October 29, 1902.

The applicants claim to be descendants of Fannie Leland, who is alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Fannie Leland, or Jane McIntyre, the principal applicant herein, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837, (5 Stat.,180), and August 23, 1842 (5 Stat.,513).

Reporting February 19, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is accordingly affirmed.

Respectfully,
(Signed) Thos Ryan
Acting Secretary.

1 inclosure

M.C.R. 5460

Muskogee, Indian Territory, March 30, 1903.

Jane McIntyre,

Fayette, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Chootaws, of the several persons included in the consolidated case of Jane McIntyre, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

Tams Bixby.

Chairman.

M.C.P. 5460

Muskogee, Indian Territory, March 30, 1903.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Jane McIntyre, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

Tams Bixby.

Chairman.

COPY. M.C.R. 5460

Muskogee, Indian Territory, March 30, 1903.

S. A. Beadle,

Attorney-at-Law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Jane McIntyre, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

Tams Bixby.

Chairman.

M.C.R. 5460

COPY.

Muskogee, Indian Territory, March 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Jane McIntyre, et al., of which decision you were advised by mail on the 29th day of October, 1902.

Respectfully,

Tams Bixby

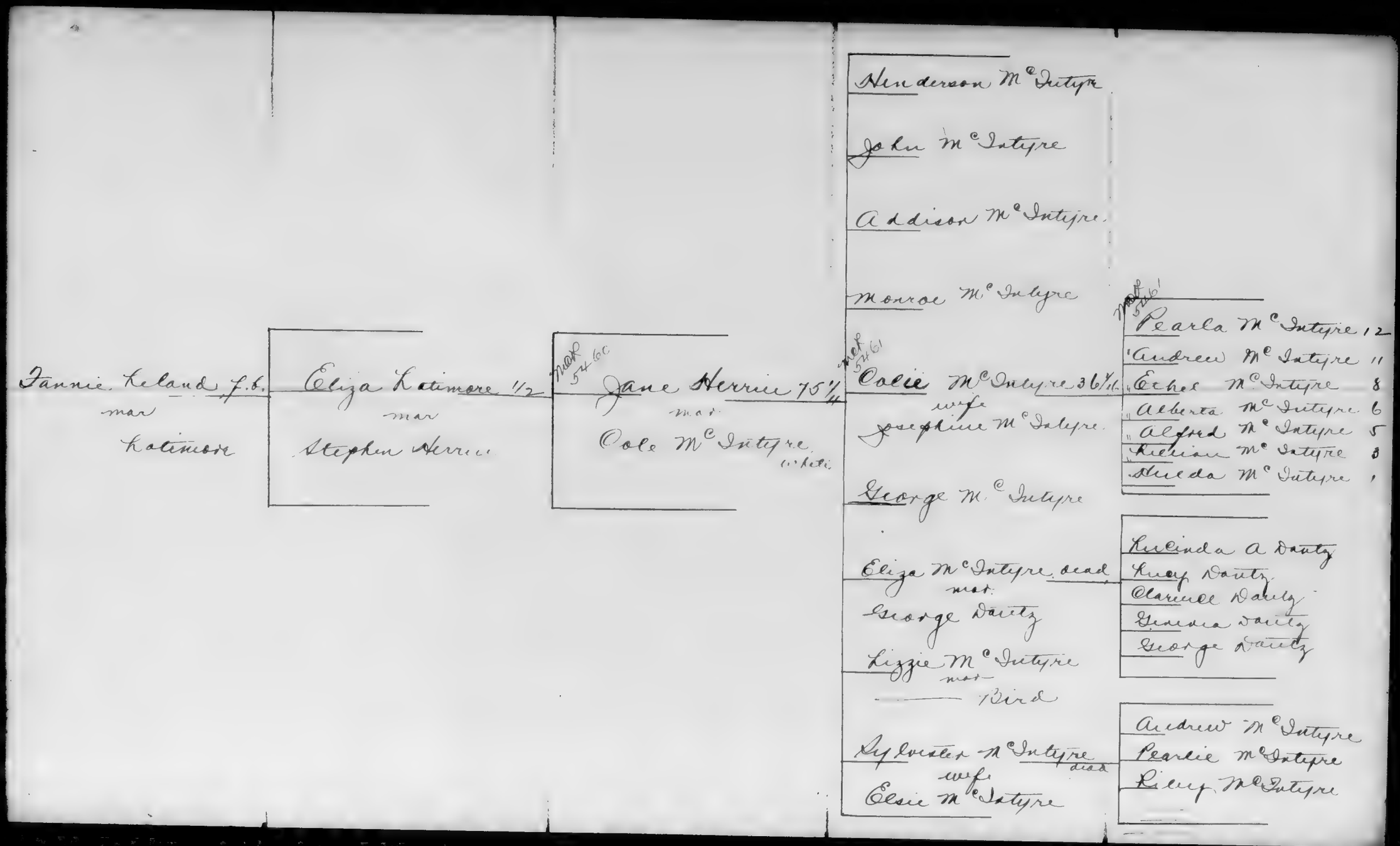
Chairman.

REFER TO M. C. R. 57.60

Jane McIntyre
et al

Consolidated Case.

Card No.	NAME	RESIDENCE DISTRICT	POST OFFICE	Age


Fannie Leland f.b.
mar
Latimore
Eliza Latimore 1/2
mar
Stephen Herrin
mar 5-4-61
Jane Herrin 75 1/4
mar
Cole Mc Intyre
widow
Henderson Mc Intyre
John Mc Intyre
Addison Mc Intyre
Monroe Mc Intyre
mar 5-4-61
Colie Mc Intyre 36 7/12
wife
Josephine Mc Intyre
George Mc Intyre
Eliza Mc Intyre dead
mar
George Dautz
Lizzie Mc Intyre
mar
Bird
Sylvester Mc Intyre dead
wife
Elsie Mc Intyre
mar 5-4-61
Pearla Mc Intyre 12
Andrew Mc Intyre 11
Echee Mc Intyre 8
Alberta Mc Intyre 6
Alfred Mc Intyre 5
Lucian Mc Intyre 3
Alveda Mc Intyre 1
Lucinda A Dautz
Lucy Dautz
Clarence Dautz
Geneva Dautz
George Dautz
Andrew Mc Intyre
Pearlie Mc Intyre
Lilly Mc Intyre

#2132 No. 5160

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 28 1902
Date

Name Jane McIntyre

Age 75 Blood 1/4

Post-Office, Fayette, Miss.

Father: Stephen Herrin d

Mother: Eliza " d

Claims through mother

For self only.

Children:

mothers mother Fanny Leland d

Stenographer R. S. Streit

Choctaw MCR 5461

Colie McIntyre

MCR 5461

5461

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 28,1902.

In the matter of the application of Celie McIntyre for the identification of himself and his seven minor children, Pearla, Andrew, Etherl, Alberta, Alfred, Lillian and Hulda McIntyre, as Mississippi Choctaws.

Appearances:
S.A.Beadle, Attorney for Applicant.
A. W.Jones, Agent for Applicant.

Celie McIntyre, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Celie McIntyre.
Q How old are you? A Thirty six years old.
Q How much Choctaw blood have you? A I don't know, sir; my mother's grand mother was supposed to be half Indian, or something of that kind.
Q Your mother's grand mother was supposed to be a half Indian, and the Indian blood comes solely through her? A Yes, sir.
Q That would make you one sixteenth? A Yes, sir, I suppose so; I don't know how much it is.
Q What is your post office address? A Natchez, Mississippi.
Q How long have you lived in Natchez? A Fifteen years.
Q Where did you live before that? A The greater part of my life in Jefferson County; thirteen years ago, I moved to Adams County, and lived out in the country; the last ten years I lived in the city.
Q You have lived in Mississippi all your life? A Yes, sir.
Q Is your father living? A No, sir.
Q What was his name? A Cole McIntyre.
Q Your mother living? A Yes, sir.
Q What's her name? A Jane McIntyre.
Q Did your father have any Choctaw blood? A No, sir.
Q You get your Choctaw blood solely through your mother? A Yes, sir.
Q Is she the Jane McIntyre who appeared before the Commission here this morning? A Yes, sir.
Q Through which one of her parents did she get her Choctaw blood?
A Her mother.
Q What was her name? A Eliza Latimore.
Q Through which one of her parents did Eliza get her Choctaw blood?
A I couldn't tell you.
Q You don't know that far back? A No, sir.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q What's her name? A Josephine McIntyre.
Q She has no Choctaw blood? A No, sir.

Q How many children have you living? A Seven living.
Q What are their names and ages? A Pearla.
Q That's a girl? A Yes, sir.
Q How old? A Twelve years old.
Q Next? A Andrew, a boy, eleven years old.
Q Next? A Ethel, eight years old.
Q Next? A Alberta, a girl, six years old.
Q Next? A Alfred, a boy, five years old.
Q Next? A Lillian, a girl, three years old.
Q Next? A Hulda, a girl, a year old.
Q These children all living with you at this time? A Yes, sir.
Q Are they all the children of yourself and Josephine? A Yes, sir.
Q This application, then, is for yourself and seven minor children?
A Yes, sir.
Q Were you married to Josephine under a license? A Yes, sir.
Q When? A Here is the license.

Marriage license of Cole McIntyre and Josephine Rumills, is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

Q Has any application of any description ever been made before today for you, or anyone of these children, for the purpose of establighing your rights as Choctaw Indians? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and seven minor children under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that fourteenth article? A Yes, sir.
Q You heard the entire examination of your mother, Jane McIntyre?
A Yes, sir.
Q Do you know anything further with reference to a compliance on the part of your ancestors with article fourteen of the treaty of Dancing Rabbit Creek, than what is disclosed by her testimony?
A No, sir.
Q Did you ever hear of any of your Choctaw ancestors ever having gotten any land or money from the Government? A No, sir.
Q Or any scrip under the Act of Congress approved August 23, 1842?
A No, sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
Q Do you know of any writtenevidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
Q Have you any written evidence of any kind to offer at this time?
A No, sir, except what my mother offered.
Q You have no witnesses here today? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee,

Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?
A I would like to have my marriage license returned to me, Number Nine Henderson Street, Natchez, Mississippi, when they have served the purpose of the Commission.

Q How many brothers have you living? A Five besides myself.
Q What are their names? A Henderson, the eldest.
Q Next? A George.
Q Next? A John.
Q Next? A Addison.
Q Next? A Monroe.
Q Have they been before the Commission? A No, sir.
Q Where do they live? A They live in Jefferson County, Mississippi, except Monroe, he lives in Adams County.
Q Have you any sisters living? A One; she lives in Franklin County, Mississippi; Lizzie N. McIntyre.
Q Is she married? A Yes, sir.
Q What's her married name? A Lizzie Bird.
Q Has she ever been before the Commission? A No, sir.

(The applicant has the appearance of being possessedof a mixture of negro, and either white or Indian blood. His hair is straight; he has high cheek bones, very dark skin, and dark eyes. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the28th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause uponsaid date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 20th day of May, 1902.

Charles H. Jamison

Notary Public.

M.C.R. 5461

COPY

Muskogee, Indian Territory October 29, 1902.

Colie McIntyre,

Natchez, Mississippi.

Dear Sir:-

You are hereby advised that on the 29th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jane McIntyre, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane McIntyre,	M.C.R. 5460
Colie McIntyre, et al.,	M.C.R. 5461.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane McIntyre, Colie McIntyre, Pearla McIntyre, Andrew McIntyre, Ethel McIntyre, Alberta McIntyre, Alfred McIntyre, Lillian McIntyre and Hulda McIntyre as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the

applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 5431

Muskogee, Indian Territory, March 30, 1903.

Colie McIntyre,

Natchez, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of March, 1903, theSecretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Jane McIntyre, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

Tams Bixby

Chairman.

M C R 8461

Muskogee, Indian Territory, May 16, 1903.

Colie McIntyre,

#9 Henderson Street,

Natchez, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you ask that your license be returned you.

In reply you are informed that the record in your case is now in the hands of the Secretary of the Interior and you should correspond with him in regard to the return of your license.

Respectfully,

Commissioner in Charge.

M C R 5461

Muskogee, Indian Territory, June 1, 1903.

Colie McIntyre,
9 Henderson Street,
Natchez, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, in which you ask that your marriage license be returned you.

In reply you are informed that the record in your case is now in the hands of the Secretary of the Interior. In order to secure return of said license you should address a communication to The Honorable, The Secretary of the Interior, Washington, D. C.

Respectfully,

Commissioner in Charge.

#2133 No. 5461

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 28 1903
Date

Name Colie McIntyre

Age 36 Blood 9/16 Henderson St.

Post-Office, Natchez, Miss.

Father: Cole McIntyre d

Mother: Jane McIntyre d

Claims through mother

wife Josephine d
No claim for wife.

For self and 7 children

Children:

Pearla McIntyre F 12
Andrew " 11
Ethel " 8
Alberta " 6
Alfred " 5
Lillian " 3
Hulda " 1

Stenographer R. S. Strut

Lolie McIntyre Ch.

REFUSED

DECISION RENDERED. OCT 29 1902

NOTICE OF DECISION MAILED APPLICANT.

R. 5461 OCT 29 1902

NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANTS.

OCT 29 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 29 1902

RECORD FORWARDED DEPARTMENT.

NOV 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 21 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

MAR 30 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

MAR 30 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 30 1903

REFER TO M. C. R. 374

Choctaw MCR 5462

Ann Nam

See MCR 5464

5466

DEPARTMENT OF THE INTERIOR.

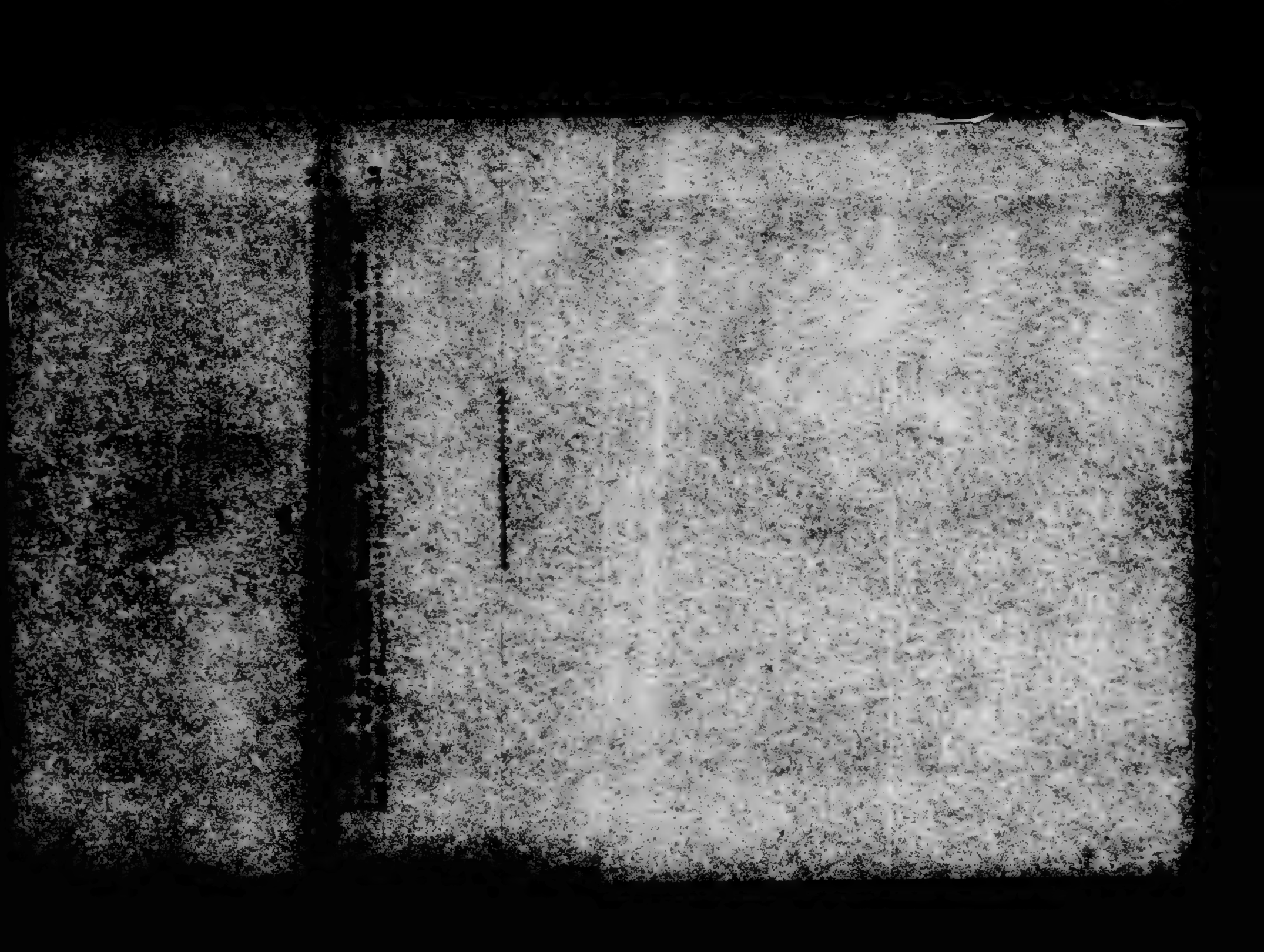
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ann Nunry, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Ann Nunry, et al.,	M.C.R. 8462
Henry Jones, et al.,	M.C.R. 8463
Tom Steele, et al.,	M.C.R. 8465
Hattie Douglas, et al.,	M.C.R. 8466
Dallas Steele,	M.C.R. 8466.

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Ann Nunry, et al.

	(Page)
Application of Ann Nunry, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Original application of Henry Jones, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	6
Original application of Tom Steele, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	8
Original application of Hattie Douglas, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	10
Original application of Dallas Steele, before the Dawes Commission for identification as a Mississippi Choctaw.....	12



Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 28th, 1902.

In the matter of the application of Ann Nunry for the identificationof herself and six minor children, Willie, Lank, Minnie, W.B., Carrie and Alma, as Mississippi Choctaws.

Appearances: S.A.Beadle, Attorney for applicant,
A.W.Jones, Agent for applicant.

Said Ann Nunry, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Ann Nunry.
Q How old are you? A Thirty-six.
Q How much Choctaw blood have you? A One-eighth.
Q What's your postoffice address? A Anding, Mississippi.
Q What County? A Yazoo.
Q How long have you lived in Yazoo County? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Frank Stutts.
Q Is your mother living? A No sir.
Q What was her name? A Elizabeth Stutts.
Q Through which one of your parents did you derive your Choctaw blood? A Father.
Q How much did he have? A Quarter.
Q How long has he been dead? A About two years.
Q How old was he when he died? A About sixty two or sixty-three.
Q Did he live in Yazoo County all his life? A No sir, not all his life--He's been there a good portion of his life.
Q Where was he born? A Alabama.
Q What County? A Clark.
Q How old was he when he left there? A Seven years old.
Q He came from there to Yazoo County, Mississippi? A Yes sir.
Q Was he a slave? A Yes sir.
Q Through which one of his parents did he get his Choctaw blood? A His father.
Q What was his name? A Jerry Pruitt.
Q He was a half blood, was he? A Yes sir.
Q Did you ver see him? A No sir.
Q Where did he live? A Alabama.
Q Never lived in Mississippi to your knowledge? A No sir.
Q Always lived in Clark County, Alabama? A Yes sir.
Q What was the name of your father's mother? A Ann.
Q Was she and your father's father married? A Yes sir.
Q How do you know? A Cause I heard my father always say they were married.
Q They were both slaves, were they? A No sir, my grandfather wasn't.
Q He wasn't? A No sir.
Q What evidence have you of the marriage of your father's father and mother? A From my father.
Q What he told you? A What he said and what I've heard other people saythat have known him all his life.

Q How many children were born to them,do you know? A No sir,I couldn't tell how many--there were a great deal of them,my father's sisters and brothers.
Q Were your father and mother lawfully married? A Yes sir.
Q How many children were born to them? A Nine.
Q They were both salves,were they not? A Yes sir.
Q Did they live together until the death of one of them? A Yes sir.
Q When did your mother die? A January,1892.
Q Through which one of his parents did your father's father get his Choctaw blood? A I don't know,sir.
Q Do you know the name of eitherof his parents,your father's father's parents? A No sir.
Q Do you know where they lived? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What's his name? A Mose Nunry.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him,then? A No sir.
Q How many children have you living? A Six.
Q What are their names and ages,the oldest first? A Willie,seventeen.
Q Boy or girl? A Boy.
Q Next one? A Lank, sixteen.
Q Boy? A Yes sir.
Q Next one? A Minnie fourteen.
Q Next one? A W.B., eleven years old, a boy.
Q Next one? A Carrie, two years old.
Q Next one? A Alma, seven months old, a girl.
Q Are these children all living with you at this time? A Yes sir.
Q Are they all the children of yourself and Mose Henry? A Yes sir.
Q This application,then,is for yourself and six minor children, is that right? A Yes sir.
Q Has any application of any description ever been made before today for you or anyof these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you a pear before theCommission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and six minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions of ever receive any benefits under that article? A No sir,not as I know of.
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A No sir,not as I knows of.
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of th removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.
Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi,for the Choctaws,know that they wanted to stay here and become citizens of the States and take land? A Not that I knew of.

Q Did any of them ever get any land from the Government under article 14 of the treaty of Dancing Rabbit Creek? A Not as I knows of.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government,at its public land sales here in Mississippi,in many instances sold land upon which Choctaws lived and had im rovements and which they supposed they would receive under the 14th articleof the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir,not that I know of.

An act of Congress approved the 23rd day of August,1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select,in place of the land so sold by the Government,land some place else here in Mississippi or in Alabama,Louisiana or Arkansas,from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A No sir.
Q So far as you know none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir,only we've got a witness to identify us that our father x x x
Q Where does that witness live? A Lives in Yazoo County.
Q Is the witness here today? A Yes sir.
Q What's that witness's name? A Emeline Martin.
Q She doesn't know whether any of your ancestors ever complied with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
Q You have no other witness? A No sir.
Q Have you any written evidence of any kind to offer? A No sir.

If you should find any other witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

Q Have you any brothers living? A Yes sir.
Q How many? A Three.
Q What are their names? A Thomas Stutts, Cullen Stutts and Gorge Stutts.
Q Any sisters living? A Yes sir.
Q How many? A Four.
Q What are their names--married names if they're married? A Nancy Jones,Hattie Douglas,Mary Fields and Dora Belle Stutts.
Q Have you any brothers orsisters dead? A Only one,brother dead.
Q Did he xxxxx leave children? A No sir,he died an infant.
Q Has your father any brothefs or sisters living? A Yes sir.
Q How many? A Three.
Q What are thir names? A Cullen Cowens,Thomas Pruitt and Jerry Pruitt.
Q Have they been before the Commission? A No sir.
Q Have any of your brothers or sisters been before the Commission? A No sir.
Q As any of them here today? A Yes sir.
Q Who? A Thomas Stutts,Cullen Stutts,Hattie Douglas and Nancy Jones.
Q Has your father any sisters living? A Yes sir.
Q How many? A Two.
Q What are their names? A Gracie Welsh and Caroline Davis.
Q Have they been before the Commission? A No sir.
Q Has your father any brothers dead who left children? A No sir,not as I knows of.
Q Has he any sisters dead who left children? A Yes sir,one.
Q What was her name? A Mary Davis.
Q How many children did she leave? A I don,t know,sir.
Q Where do they live? A There in Alabama.
Q You don't know their names? A No sir,not all of them.
Q What are the names of those you know? A Mary Davis,Dee Davis and Bryan Davis.
Q Do you know whether they have been before us or not? A No sir.

Ann Nunry,et al.,--5

Q Are there any further statements you want to make? A wo sir.

This applicant has the appearance of being a full blood negro--shows no indications of being possessed of Indian blood and does not speak or understand the Choctaw language.

Ira S. Miles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,head at Meridian,Mississippi,April 28,1902,and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Miles

Subscribed and sworn to before me this the 9th day of May,1902,at Muskogee,Indian Territory.

Charles N. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ann Henry, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Ann Henry, et al.,	M.C.R. 3462
Henry Jones, et al.,	M.C.R. 3463
Tom Smith, et al.,	M.C.R. 3465
Hattie Douglas, et al.,	M.C.R. 3464
William Starks,	M.C.R. 3466.

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Ann Henry for herself and her six minor children, Willie, Lank, Minnie, V. B., Cyrrie and Alma Henry; by Henry Jones for herself and her three minor children, Frank, Albertha, and Hattie Jones; by Tom Smith for himself and his minor brother and sister, George and Dora Bell Smith; by Hattie Douglas for herself and her two minor children, Gladys and Fred Douglas; and

Cullen Stutts for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Chickasaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Jerry Pruitt, who is alleged to have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jerry Pruitt signified (in person or by proxy) to Colonel Wm. Ward, Indian

Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ann Nunry, Willis Nunry, Leak Nunry, Minnie Nunry, W. B. Nunry, Carrie Nunry, Alma Nunry, Nancy Jones, Frank Jones, Albertha Jones, Bettie Jones, Tom Stutts, George Stutts, Dora Bell Stutts, Hattie Douglas, Gladys Douglas, Fred Douglas, and Cullen Stutts, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tams Bixby.
Acting Chairman.

(SIGNED)

T. B. Needles.
Commissioner.

(SIGNED)

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

DEC 2 1902

File

M.C.R. 5462

COPY

Muskogee, Indian Territory, December 2, 1902.

Ann Nunry,

Anding, Mississippi.

Dear Madam:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann Nunry, et al., embracing the following applications for identification as Mississippi Choctaws:

Ann Nunry, et al.,	M.C.R. 5462
Nancy Jones, et al.,	M.C.R. 5463
Tom Stutts, et al.,	M.C.R. 5465
Hattie Douglas, et al.,	M.C.R. 5464
Cullen Stutts,	M.C.R. 5466

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ann Nunry, Willis Nunry, Lank Nunry, Minnie Nunry, W. B. Nunry, Carrie Nunry, Alma Nunry, Nancy Jones, Frank Jones, Albertha Jones, Bettie Jones, Tom Stutts, George Stutts, Dora Bell Stutts, Hattie Douglas,

[redacted]

Gladys [redacted]
entitled [redacted]
said article [redacted]
and that the [redacted]
be refused. [redacted]

[redacted]

day's from [redacted]

ering, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) Tams Bixby.
Acting Chairman.

Registered.

M.C.R. 5462

COPY.

Muskogee, Indian Territory, December 4, 1902.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann Munry, et al., embracing the following applications for identification as Mississippi Choctaws:

Ann Munry, et al.,	M.C.R. 5462
Nancy Jones, et al.,	M.C.R. 5463
Tom Stutts, et al.,	M.C.R. 5465
Hattie Douglas, et al.,	M.C.R. 5464
Cullen Stutts,	M.C.R. 5466

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ann Munry, Willie Munry, Leak Munry, Minnie Munry, W. B. Munry, Carrie Munry, Alma Munry, Nancy Jones, Frank Jones, Alberthe Jones, Bettie Jones, Tom Stutts, George Stutts, Dora Bell Stutts, Hattie Douglas,

Gladys Douglas, Fred Douglas, and Cullen Stutts, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) Tams Bixby,
Acting Chairman.

Registered

M.C.R. 5463

COPY.

Muskogee, Indian Territory, December 2, 1902

A. W. Jones, Agt.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann Nunry, et al., embracing the following applications for identification as Mississippi Choctaws:

Ann Nunry, et al.,	M.C.R. 5462
Nancy Jones, et al.,	M.C.R. 5463
Tom Stutts, et al.,	M.C.R. 5465
Hattie Douglas, et al.,	M.C.R. 5464
Cullen Stutts,	M.C.R. 5466

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ann Nunry, Willie Nunry, Lank Nunry, Minnie Nunry, W. B. Nunry, Carrie Nunry, Alma Nunry, Nancy Jones, Frank Jones, Albertha Jones, Bettie Jones, Tom Stutts, George Stutts, Dora Bell Stutts, Hattie Douglas,

A. E. Jones-2

Gladys Douglas, Fred Douglas, and Dulles Stutts, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundredand thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED. Tams Bixby.
Acting Chairman.

Registered.

M.C.R. 5462

COPY.

Muskogee, Indian Territory, December 2, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann Munry, et al., embracing the following applications for identification as Mississippi Choctaws:

Ann Munry, et al.,	M.C.R. 5462
Nancy Jones, et al.,	M.C.R. 5463
Tom Stutts, et al.,	M.C.R. 5465
Hattie Douglas, et al.,	M.C.R. 5464
Cullen Stutts,	M.C.R. 5466

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ann Munry, Willie Munry, Lank Munry, Minnie Munry, W. B. Munry, Carrie Munry, Alma Munry, Nancy Jones, Frank Jones, Albertha Jones, Bettie Jones, Tom Stutts, George Stutts, Dora Bell Stutts, Hattie Douglas, Gladys Douglas, Fred Douglas, and Cullen Stutts, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M,Mcc & Cc.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby.
Acting Chairman.

COPY.

Muskogee, Indian Territory, December 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Ann Nunry, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 2, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Ann Nunry, et al.,	M.C.R. 5462
Nancy Jones, et al.,	" 5463
Tom Stutts, et al.,	" 5465
Hattie Douglas, et al.,	" 5464
Cullen Stutts,	" 5466.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record, their agent, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tams Bixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 5462.

COPY.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land 75526-1902. June 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record and proceedings of the Commission to the Five Civilized Tribes in the matter of the consolidated applications for identification as Mississippi Choctaws of the following: Ann Nunry for herself and six minor children, Willie, Lank, Minnie, W. B. Carrie and Alma Nunry; by Nancy Jones for herself and her three minor children, Frank Albertha, and Bettie Jones; by Tom Stutts for himself and his minor brother and sister, George and Dora Bell Stutts; by Hattie Douglas for herself and her two minor children, Gladys and Fred Douglas; and Cullen Stutts for himself, wherein a decision adverse to the applicants was rendered by the Commission December 2, 1902.

The testimony in this case shows that the applicants base their claim to identification under this application on their descent from Jerry Pruitt through his son Frank Stutts, father of the principal applicant Ann Nunry, it being claimed that Jerry Pruitt was a citizen of the Choctaw Nation and a resident in Mississippi at

Alabama at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the name of the ancestor through whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 and for the additional reason that they have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of Jerry Pruitt and it is discovered that his name does not appear among the names of those who complied or attempted to comply with provisions of the 14th article of the treaty of 1830: neither does it appear that he applied to the Commissions appointed to adjudicate the claims of those having rights, if he had any, as Choctaw Indians.

This being the result of our investigation of this case, it is evident that the decision of the Commission rejecting the applicants is correct, and this office concurr in that finding and recommend its approval.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

C.T.C.

COPY.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

JNM
JEE

M. C. 17661
ITD 4912-1903.

June 20, 1903.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

December 18, 1902, you transmitted the record in the consolidated case involving the application for identification as Mississippi Choctaws of Ann Nunry (M.C.R. 5462), for herself and her six minor children, Willie, Lank, Minnie, W. B., Carrie and Alma Nunry; of Nancy Jones for herself and her three minor children, Frank, Albertha and Bettie Jones; of Tom Stutts for himself and his minor brother and sister, George and Dora Bell Stutts; of Hattie Douglas for herself and her two minor children, Gladys and Fred Douglas; and of Gullen Stutts for himself, including your decision of December 2, 1902, denying said application.

It seems that these applicants are residents of Yazoo County, Mississippi, and that the principal applicants are the children of a quarter blood Choctaw named Frank Stutts, who was born in 1837 in Clarke County, Alabama, and

who moved from there to Yazoo County, Mississippi. The latter was the son of an one-half blood Choctaw named Jerry Pruitt, who also lived in Clarke County, Alabama. The parents of the principal applicants were both slaves.

The testimony furnished by the record fails to show that these applicants, or any of their alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto.

It further appears that the records of the government in your possession, as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter June 5, 1903, the Acting Commissioner of Indian Affairs recommends that your decision

he approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. HITCHCOCK,
Secretary.

2 inclosures.

M C R 5462

COPY.

Muskogee, Indian Territory. July 14, 1903.

A. W. Jones,

Agent.

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 20 day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ann Numry et al., of which decision you were advised by registered mail on the second day of December 1902.

Respectfully,

T. B. Needles.

Commissioner in Charge.

M C R 5462

COPY.

Muskogee, Indian Territory. July 14, 1903.

Mansfield McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 20 day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ann Nunry et al., of which decision you were advised by mail on the second day of December 1902.

Respectfully,

T. B. Needles.

Commissioner in Charge.

M C R 5462

COPY.

Muskogee, Indian Territory, July 14, 1903.

Ann Nunry,

Anding, Mississippi.

Dear Madam:

You are hereby notified that on the 20, day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ann Nunry et al., of which decision you were advised by registered mail on the second day of December 1902.

Respectfully,

(SIGNED) T. B. Needles:

Commissioner in Charge.

M C R 5462

COPY.

Muskogee, Indian Territory, July 14, 1903.

S. A. Beadle,

Attorney at law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 20 day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ann Nunry et al., of which decision you were advised by registered mail on the second day of December 1903.

Respectfully,

T. B. Needles.

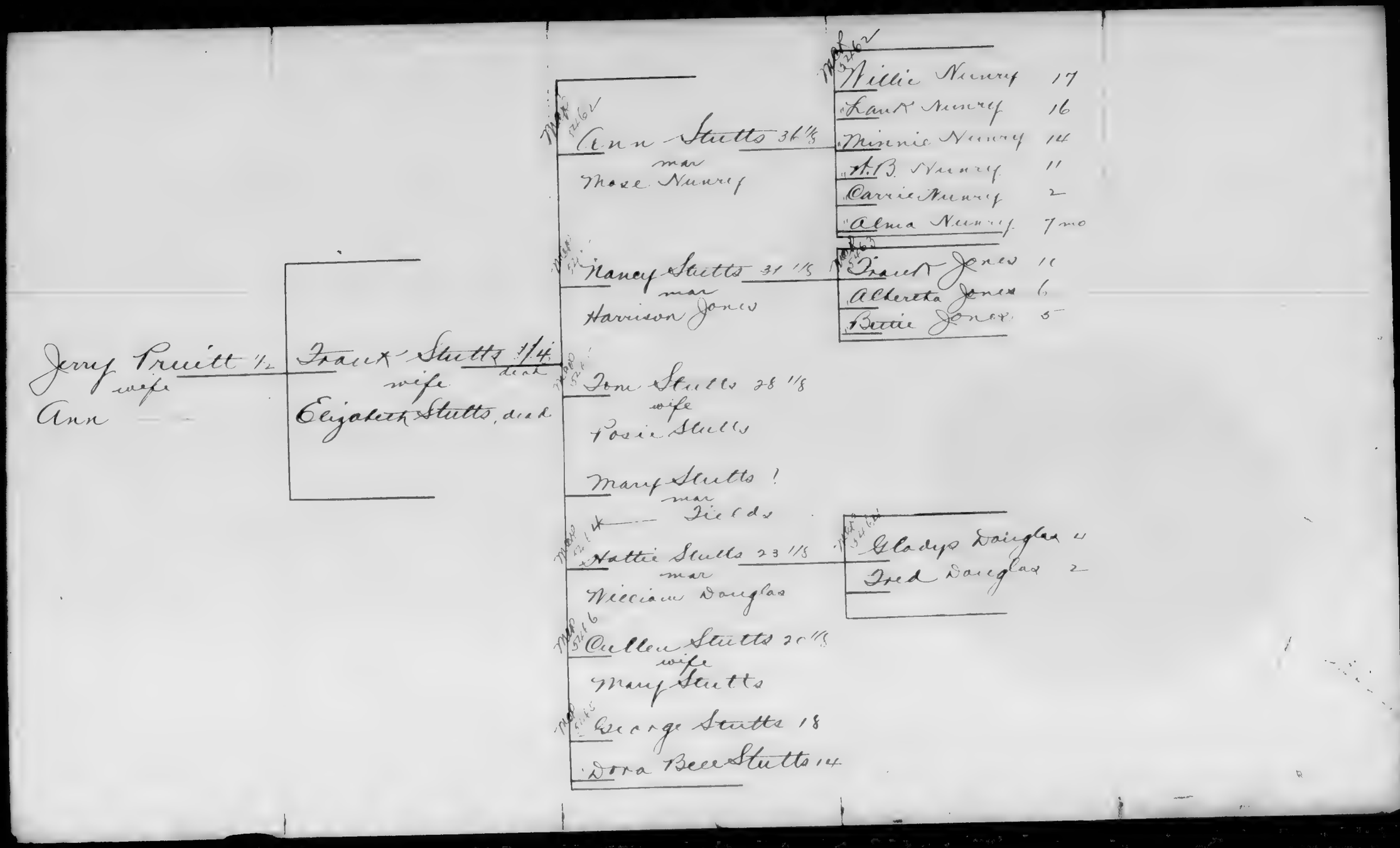
Commissioner in Charge.

CARD No. | NAME | RESIDENCE COUNTY | POST OFFICE | AGE

REFER TO M. C. R. 5-462

Ann Murray, etc.

Consolidated Case


Jerry Truitt 1/2
wife
Ann ——
Frank Stutts 1/4
wife
Elizabeth Stutts, dead
Ann Stutts 36 1/8
mar
Moses Nunley
Willie Nunley 17
Lank Nunley 16
Minnie Nunley 14
A.B. Nunley 11
Carrie Nunley 2
Alma Nunley 7 mo
Nancy Stutts 31 1/8
mar
Harrison Jones
Frank Jones 11
Alberta Jones 6
Bettie Jones 5
Tom Stutts 28 1/8
wife
Posie Stutts
Mary Stutts
mar
—— Fields
Hattie Stutts 23 1/8
mar
William Douglas
Gladys Douglas 4
Fred Douglas 2
Allen Stutts 20 1/8
wife
Mary Stutts
George Stutts 18
Dora Bee Stutts 14

No. 5462

For Identification as a Mississippi Choctaw.

Meridian Miss APR 28 1902

Date

Name Ann Nunny

Age 36 Blood 1/8

Post-Office, Anding, Miss

Father: Frank Stutts 1/4 d

Mother: Elizabth " d

Claims through husband Father.

Rose Nunny no claim for husband

For self and children

Children:

Willie	Nunny	(M)	17
Lank	"	"	16
Minnie	"	F	14
W B.	"	M	11
Carrie	"	F	2
Alma	"	F	7mo

Stenographer J. S. Niles

Choctaw MCR 5463

Nancy Jones

See MCR 5462

MCR 5463

5468

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 28th, 1902.

In the matter of the application of Nancy Jones for the identification of herself and three minor children, Frank, Albertha and Bettie, as Mississippi Choctaws.

Appearances: S.A.Beadle, Attorney for applicant,
A.W.Jones, Agent for applicant.

Said Nancy Jones, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Nancy Jones.
Q How old are you? A Thirty-one.
Q How much Choctaw blood have you? A One-eighth.
Q What's your postoffice address? A Anding, Mississippi.
Q What County? A Yazoo County.
Q How long have you lived in Yazoo County? A All my days.
Q Is your father living? A No sir.
Q What was his name? A Frank Stutts.
Q Is your mother living? A No sir.
Q What was her name? A Elizabeth Stutts.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q Are you a full sister of Ann Nunry who just appeared before the Commission? A Yes sir.
Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What's his name? A Harrison Jones.
Q He has no Choctaw blood? A No sir.
Q You make no claim for him, do you? A No sir.
Q How many children have you living and what are their names and ages? A Three living--the eldest one is ten years old.
Q What's the name of that one? A Frank.
Q Next? A Albertha, six; Bettie, five.
Q Are these children all three living with you at this time? A Yes sir.
Q Are they all the children of yourself and Harrison Jones? A Yes sir.
Q This application, then, is for yourself and three minor children, is that right? A Yes sir.
Q Has any application of any description ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A Yes sir.
Q Through which one of his parents did your father get his Choctaw blood? A He got it from his pa.
Q What was his name? A Jerry Pruitt.
Q Did you ever see him? A No sir.

Q Where did he live? A In Alabama.
Q Where was your father born? A Clark County,Alabama.
Q When did he come to Mississippi? A I don't know,sir,when he come.
Q You head the entire examination of your sister,Ann Nunry,didn't you? A Yes sir.
Q Do you know anything firther with reference to a compliance on the part of your ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek than what was disclosed by her testimony? A No sir.
Q Did you ever hear of any of your people ever having gotten any land or money from the Government of the United States? A No sir.
Q Or any scrip under the act of Congress approved August 23,1842? A No sir.
Q You neverheard of any of your ancestors ever having received any benefits whatever as Choctaw Indians? A No sir,not as I know of.
Q Have you any witnesses here today? A Yes sir.
Q How many? A One.
Q What's her name? A Emeline Martin.
Q Is he any relation to you? A No sir.
Q Is she interested in any way in the result of these cases? A No sir.
Q What do you expect to prove by her? A Our grandfather was a half Choctaw.
Q Is that all? A Yes sir,she knows my grandfather and my father's mother.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence to offer at this time? A No sir.
Q Any further statements you want to make? A No sir.
Q Have you any brothers or sisters here today? A Yes sir.
Q How many brothers? A Two.
Q What are their names? A Cullen Stutts and Thomas Stutts.
Q Have you any sisters here today? A Yes sir.
Q How many? A Two.
Q What are their names? A Annie Nunry and Hattie Douglas.

This applicant has the appearance of being a full blood negro--shows no indications of being possessed of Indian blood and does not speak or understand the Choctaw language.

Ira S. Miles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 28th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Miles

Subscribed and sworn to before me this the 9th day of May,1902,at Muskogee,Indian Territory.

Charles H. Sawyer Notary Public.

M.C.R. 5463

COPY.

Muskogee, Indian Territory, December 2, 1902.

Nancy Jones,

Anding, Mississippi.

Dear Madam:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann Nunry, et al., embracing the following applications for identification as Mississippi Choctaws:

Ann Nunry, et al.,	M.C.R. 5462
Nancy Jones, et al.,	M.C.R. 5463
Tom Stutts, et al.,	M.C.R. 5465
Hattie Douglas, et al.,	M.C.R. 5464
Cullen Stutts,	M.C.R. 5466

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report tothe Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ann Nunry, Willie Nunry, Lank Nunry, Minnie Nunry, W. B. Nunry, Carrie Nunry, Alma Nunry, Nancy Jones, Frank Jones, Albertha Jones, Bettie Jones, Tom Stutts, George Stutts, Dora Bell Stutts, Hattie Douglas,

[illegible]

Mary's Douglas, Fred Douglas, and Callen Statts, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen [illegible] from the date hereof within which to file arguments in this [illegible] of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) Tams Bixby.

Acting Chairman.

Registered.

[illegible] C R 9[illegible]

COPY.

Muskogee, Indian Territory, July 24, 1903.

Nancy Jones,

Anding, Mississippi.

Dear Madam:

You are hereby notified that on the 20 day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ann Nunry et al., of which decision you were advised by registered mail on the second day of December 1902.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 30 1902

Name Nancy Jones

Age 31 Blood 1/8

Post-Office. Onding, Miss.

Father: Frank Stutts d

Mother: Elizabeth " d

Claims through father husband

Harrison Jones L

no claim for husband.

For self wife 3 children

Children:

Frank Jones 10

Albertha " 6

Bettie " 5

Stenographer I. S. Niles

Choctaw MCR 5464

Hattie Douglas

See MCR 5462

5764

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 28th, 1902.

In the matter of the application of Hattie Douglas for the identification of herself and two minor children, Gladys and Fred, as Mississippi Choctaws.

APPEARANCES: S.A.Beadle, Attorney for applicant,
A.W.Jones, Agent for applicant.

Said Hattie Douglas, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Hattie Douglas.
Q How old are you? A I am twenty-three.
Q How much Choctaw blood have you? A One-eighth.
Q What's your postoffice address? A Anding, Mississippi.
Q How long have you lived in Yazoo County? A I've been there all my life.
Q Is your father living? A No sir.
Q What was his name? A Frank Stutts.
Q Is your mother living? A No sir.
Q What was her name? A Elizabeth Stutts.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q Are you a full sister of Ann Nunry who just appeared before the Commission? A Yes sir.
Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What's his name? A William Douglas.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him? A No sir.
Q How many children have you living? A Two.
Q What are their names and ages? A Gladys, four years old; Fred, two.
Q This application, then, is for yourself and two minor children, is that right? A Yes sir.
Q Are they both the children of yourself and William Douglas? A Yes sir.
Q Are they living with you now? A Yes sir.
Q Has any application of any description ever been made before today for you or either of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Did you hear the entire examination of your sister Ann Nunry? A Yes sir.
Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek than what is disclosed by her testimony? A No sir.

Q Have you any witnesses here today? A Yes sir.
Q How many? A One.
Q What's the name? A Emeline Martin.
Q Is she any relation to you? A No sir.
Q What do you want to prove by her? A She knew my father all his life and knew my grandfather too.
Q What's your grandfather's name? A Jerry Pruitt.
Q He was your father's father? A Yes sir.
Q How much Choctaw blood did Jerry Have? A One-half.
Q You don't know of any old person living who would likely know whether any of your ancestors ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder, do you? A No sir.
Q Or of any written evidence which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence to offer at this time? A No sir.
Q Any further statements you want to make at this time? A No sir.

If you should find any other winesses whose testimony you desire to have taken before this Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being a full blood negro--shows no indications of being possessed of Indian blood and does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 28th, 1902, and that the above and foregoing is a full, true ad correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 9th day of May, 1902, at Muskogee, Indian Territory.

Charles M. Sawyer

Notary Public.

M.C.R. 5464

COPY.

Muskogee, Indian Territory, December 2, 1902.

Hattie Douglas,

Anding, Mississippi.

Dear Madam:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann Nunry, et al., embracing the following applications for identification as Mississippi Choctaws:

Ann Nunry, et al.,	M.C.R. 5462
Nancy Jones, et al.,	M.C.R. 5463
Tom Stutts, et al.,	M.C.R. 5465
Hattie Douglas, et al.,	M.C.R. 5464
Cullen Stutts,	M.C.R. 5466

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ann Nunry, Willie Nunry, Lank Nunry, Minnie Nunry, W. B. Nunry, Carrie Nunry, Alma Nunry, Nancy Jones, Frank Jones, Albertha Jones, Bettie Jones, Tom Stutts, George Stutts, Dora Bell Stutts, Hattie Douglas,

Gladys Douglas, Fred Douglas, and Cullen Stutts, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this [redacted] the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

ORIGINAL

Tams Bixby.
Acting Chairman.

Registered.

M C T 2484

COPY.

Muskogee, Indian Territory, July 14, 1903.

Hattie Douglas,

Anding, Mississippi.

Dear Madam:

You are hereby notified that on the 20 day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ann Nunry et al., of which decision you were advised by registered mail on the second day of December 1902.

Respectfully,

(SEAL) T. B. Needles

Commissioner in Charge.

#21.36

No. 5184

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 28 1902
Date

Name Huttie Douglas

Age 23 Blood 1/8

Post-Office, Anding, Miss.

Father: Frank Stutts d

Mother: Elizabth " d

Claims through father

husband

William Douglas d

No claim for husband.

For benefits 2 children

Children:

Gladys Douglas 4

Fred " 2

J. S. Niles

Stenographer

Choctaw MCR 5465

Tom Stutts

See MCR 5462

5465

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 28, 1902.

In the matter of the application of Tom Stutts for the identification of himself and for his minor brother, George Stutts, and minor sister, Dora Bell Stutts, as Mississippi Choctaws.

APPEARANCES: S.A.Beadle, Attorney for applicant,
A.W.Jones, Agent for applicant.

Said Tom Stutts, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Tom Stutts.
Q How old as you? A Twenty-eight.
Q How much Choctaw blood have you? A One-eighth.
Q What's your postoffice address? A Anding, Mississippi.
Q How long have you lived in Yazoo County? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Frank Stutts.
Q Is your mother living? A No sir.
Q What was her name? A Elizabehh Stutts.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q Are you a fullbrother of Ann Nunry who has just appeared before the Commission? A Yes sir.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q What's her name? A Rossie.
Q Has she anyChoctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q Any children living? A No sir.
Q This application, then, is for yourself only, is it? A Yes sir.
Q Has any applicationof any description ever been made in your behalf before today for the purpose of establishing your rights as a Choctaw Indian? A No sir, not that I know of.
Q You appear beforethe Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek, do you?
A Yes sir.
Q Do you understand that 14th article? A Yes sir.
Q You heard the entire examination of your sister Ann Nunry? A Yes sir.
Q Do you know anything further with reference to a compliance with the provisions of the 14th artidle of the treaty of Dancing Rabbit Creek on the part of your ancestors then is disclosed by her testimony? A No sir.
Q Did you ever hear of any of your people ever having gotten any land from the Government under this treaty of Dancing Rabbit Creek? A No sir.
Q Or any money? A No sir.
Q Or any scrip under the act of Congress approved August 23, 1842?
A No sir.
Q Any witnesses here today? A Yes sir.

Q How many? A One.
Q What's the name? A Emeline Martin.
Q The same witness as your sister has? A yes sir.
Q Do you know of any oldperson living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any ben efits thereunder? A I do not.
Q Have you any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
Q Any written evidence to offer at this time? A wo sir.
Q Any further statements to make? A wo sir,further than I have two other sisters-at least a sister and a brother staying with me , I am their guardian.
Q How long have they lived with you? A Ever since the deathof my father.
Q How long has that been? A January 13th,1900.
Q You support and maintain these children the sameas you do your own childra,do you? A Yes sir.
Q What are their names and ages? A George Stutts,eighteen.
Q Next one? A Dora Bell Stutts.
Q How old? A Fourteen.
Q Have you been lawfully appointed guardian by the court for these children? A No sir,not by the court.
Q They are your full brother and sister? A Yes sir.
Q Nothing further you care to say in support of your application? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable timethereafter at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

Q You don,t speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being a full blood negro--showsno indications of being possessed of Indian blood and does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 28th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 9th day of May,1902,at Muskogee,Indian Territory.

Charles H. Sawyer
Notary Public.

M.C.R. 5465

COPY.

Muskogee, Indian Territory, December 2, 1902.

Tom Stutts,

Anding, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann Nunry, et al., embracing the following applications for identification as Mississippi Choctaws:

Ann Nunry, et al.,	M.C.R. 5462
Nancy Jones, et al.,	M.C.R. 5463
Tom Stutts, et al.,	M.C.R. 5465
Hattie Douglas, et al.,	M.C.R. 5464
Cullen Stutts,	M.C.R. 5466

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ann Nunry, Willie Nunry, Lank Nunry, Minnie Nunry, W. B. Nunry, Carrie Nunry, Alma Nunry, Nancy Jones, Frank Jones, Albertha Jones, Bettie Jones, Tom Stutts, George Stutts, Dora Bell Stutts, Hattie Douglas,

Gladys Douglas, Fred Douglas, and Cullen Stutts, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this [redacted] the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) Tams Bixby.
Acting Chairman.

Registered.

M.C.R. 8465.

Muskogee, Indian Territory, December 19, 1902.

Tom Stutts,

Anding, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant relative to the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated Mississippi Choctaw case of Ann Nunry, et al.

In reply to your letter you are informed that the 15 days from December 2, 1902, granted the applicants in this case within which to submit arguments in support of their claims, expired on December 17, 1902. On December 18, 1902, the record in the case was forwarded to the Secretary of the Interior. The several applicants therein will be duly notified of any action taken by him.

Respectfully,

Commissioner in Charge.

M C R 5465

COPY.

Muskogee, Indian Territory, July 14, 1903.

Tom Stutts,

Anding, Mississippi,

Dear Sir:

You are hereby notified that on the 20 day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ann Nunry et al., of which decision you were advised by registered mail on the second day of December 1902.

Respectfully,

D) T. B. Needles.

Commissioner in Charge.

...r Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 28 1902

Name Tom Stutts

Age 28 Blood 1/8

Post-Office, Anding, Miss.

Father: Frank Stutts d

Mother: Elizabeth " d

Claims through father.

For self ~~only~~ and 2 minor orphan brother & sister.

Children:

George Stutts 18

Dora Bell " 14

Stenographer J. L. Niles

Choctaw MCR 5466

Cullen Stutts

See MCR 5462

MCR 5466

5462

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, Aptl 28th, 1902.

In the matter of the application of Cullen Stutts for identification as a Mississippi Choctaw.

APPEARANCES: S.ABeadle, Attorney for applicant,
A.W.Jones, Agent for applicant.

Said Cullen Stutts, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Cullen Stutts.
Q How old are you? A Twenty.
Q How much Choctaw blood have you? A One-eighth.
Q What's your postoffice address? A Anding, Mississippi.
Q How long have you lived in Yazoo County? A All my days.
Q Is your father living? A No sir.
Q What was his name? A Frank Stutts.
Q Is your mother living? A No sir.
Q What was her name? A Elizabeth Stutts.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q Are you a fullbrother of Ann Nunry who appeared before the Commission here today? A Yes sir.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q What's her name? A Mary Stutts.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q Have you any children living? A No sir.
Q This application, then, is for yourself only, is it? A Yes sir.
Q Has any application of any description ever been made before today for the purpose of establishing your rights as Choctaw Indians A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A Yes sir.
Q You heard the entire examination of your sister, Ann Nunry, did you not? A Yes sir.
Q Do you know anything furrher with reference to a compliance on th part of your ancestors with th provisions of article 14 of the treaty of Dancing Rabbit Creek than what is disclosed by her testimony? A No sir.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence of any kind to offer at this time?

A No sir.
Q Any witnesses here today? A One.
Q What's the ~~xxx~~ name? A Emeline Martin.
Q The same witness as your sister has? A Yes sir.

If you should find any otherwitnesses whose testimony you desire to have taken before the Commission they may appear before us at Meridian between now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee,Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir,I think not.

This applicant has the appearance of being a full blood negro--shows no indications of being possessed of Indian blood and does not speak or understand the Choctaw language.

Emeline Martin,witness on behalf of applicant,being first duly sworn,testified as follows:

Examination by the Commission.

Q What's your name? A Emeline Martin.
Q How old are you? A Sixty-six years old.
Q What's your postoffice address? A Anding.
Q How long have you lived in Yazoo County,Mississippi? A Been living there seven or eight years I reckon.
Q Where did you live before that? A I lived in Weshoba County.
Q How long did you live there? A I don't know exactly how long.
Q About how long was it? A About ten years I reckon.
Q Where did you live beforethat? A Lived at Macon.
Q Mississippi? A Yes sir.
Q How long did you live there? A About a year.
Q Where did you live before that? A I lived in Alabama before that.
Q What County? A Clark County.
Q How long did you live there? A I don't know,sir; I was quite young then.
Q Were you born there in Clark County? A Yes sir.
Q When did you leave there? A I don't know,sir.
Q How old were you when you left there? A I don,t know.
Q About how old? A I don,t know sir.
Q Were you a slave? A Yes sir.
Q Are you acquainted with the applicants Cullen Stutts,Tom Stutts, Hattie Douglas,Nancy Jones and Ann Mumry? A Yes sir.

Q How longhave you known them? A Since they were babies.
Q Did you know their parents? A Yes sir.
Q What were their names? A Frank Stutts and Lizzie Stutts.
Q They were both slaves,were they? A Yes sir.
Q Where did you first get acquainted with Frank Stutts? A In Alabama, we were children together.
Q What County? A Clark.
Q Where did you first know Lizzie? A I got acquainted with her at the same time.
Q Did Frank have any Choctaw blood? A From his father--looked like he had some.
Q What was his father's name? A Jerry Pruitt.
Q was he a slave? A No sir,not altogether a slave.
Q What do you mean by that--was he a slave or not? A No sir,he wasn't a slave--he run his own shebang.
Q How much Choctaw blood did he have? A I don't know,sir.
Q Could he speak the Choctaw language? A I never head him.
Q Did you know his parents? A Yes sir.
Q What were their names? A I don't know them.
Q You have no idea how much Choctaw blood Jerry had? A No sir.
Q Do you know where Jerry was born? A No sir.
Q You don't know where he lived prior to your birth? A No sir.

Commission:
Mr.Beadle,does the witness know whether any of the ancestors of this applicant ever complied or attempted to comply with the provisionsof article 14 of the treaty of Dancing Rabbit Creek?

Mr.Beadle:
No sir.

Commission:
Mr.Beadle,do you wish to ask the witness any questions?

Mr.Beadle:
I believe not.

Examination by the Commission.

Q Were Frank and Lizzie lawfully married? A Yes sir.
Q Where? A Neshoba County.
Q Before or after the surrender? A Before the surrender.
Q Married according to the ~~xxxx~~ slave custom? A Yes sir.
Q How long after the surrender did they live together? A I don't know,sir,exactly--they lived a long time together.
Q Which died first? A Lizzie.
Q Did they live together until her death? A Yes sir.
Q How long has she been dead? A I don't know,sir,exactly.
Q About how long? A I canttell you that.
Q Did you know the mother of Frank? A Yes sir.
Q What was her name? A Annie.
Q She was a slave,was she? A Yes sir.
Q Was she married to Jerry? A Yes sir.
Q How long did they live together as husband and wife? A I don't

know,sir--I was quite young then--I couldn't tell.
Q How many children were born to them? A Cullen,Tom,Gracie,May and Caroline.
Q Which one of them died first,Jerry or Ann? A I don't know,sir.
Q Did they live together until one of them died,or do you know?
A I don't know.

Examination by Mr.Beadle:

Q Were Frank and Lizzie living together when this boy Cullen Stutts was born? A Yes sir.

Commission:
The witness is a negro of average intelligence.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 28th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 9th day of May,1902,at Muskogee,Indian Territory.

Charles N. Sawyer

Notary Public.

M.C.R. 5466

COPY.

Muskogee, Indian Territory, December 2, 1902.

Cullen Stutts,

Anding, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann Nunry, et al., embracing the following applications for identification as Mississippi Choctaws:

Ann Nunry, et al.,	M.C.R. 5462
Nancy Jones, et al.,	M.C.R. 5463
Tom Stutts, et al.,	M.C.R. 5465
Hattie Douglas, et al.,	M.C.R. 5464
Cullen Stutts,	M.C.R. 5466

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ann Nunry, Willie Nunry, Lank Nunry, Minnie Nunry, W. B. Nunry, Carrie Nunry, Alma Nunry, Nancy Jones, Frank Jones, Albertha Jones, Bettie Jones, Tom Stutts, George Stutts, Dora Bell Stutts, Hattie Douglas,

Gladys Douglas, Fred Douglas, and Cullen Stutts, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundredand thirty, and that the applications for their identification assuch should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Acting Chairman.

Registered.

M C R 6466

COPY.

Muskogee, Indian Territory, July 14, 1903.

Cullen Stutts,

Anding, Mississippi.

Dear Sir:

You are hereby notified that on the 20 day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ann Nunry et al., of which decision you were advised by registered mail on the second day of December 1902.

Respectfully,

T. B. Needles.

Commissioner in Charge.

#2138 " No. 5466.

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 28 1902

Name Cullen Stutts

Age 20 Blood 1/8

Post-Office Anding, Miss.

Father: Frank Stutts d

Mother: Elizabth Stutts d

Claims through father.

Children:

In self only

Stenographer W. L. S. Niles

Choctaw MCR 5467

Lewis Jefferson

MCR 5467

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lewis Jefferson, et al., for identification as Mississippi Choctaws, M.C.R.8467.

List of papers forwarded to the Secretary of the Interior comprising the record in the case of Lewis Jefferson, et al.

(Page)

Original application of Lewis Jefferson, et al., before the Dawes Commission for identification as Mississippi Choctaws 1

Decision of the Commission refusing the application of Lewis Jefferson, et al., for identification as Mississippi Choctaws.....7

5467

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 28th, 1902.

In the matter of the application of Lewis Jefferson for the identification of himself and four minor children, Henry, Rhoda, Joe and Jim, as Mississippi Choctaws.

Said Lewis Jefferson, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Lewis Jefferson.
Q How old are you? A I am forty-six.
Q How much Choctaw blood have you? A Half.
Q What's your postoffice address? A Magnolia, Mississippi.
Q What County? A Pike County.
Q In what County do you live? A Pike County.
Q How long have you lived in Pike County? A All my life.
Q Is your father living? A No sir, dead.
Q What was his name? A Tom Jefferson.
Q Is your mother living? A No sir.
Q What was her name? A Phyllis Jefferson.
Q Through which one of your parents do you derve your Choctaw blood? A Father.
Q How long has he been dead? A Been dead this coming June will be eighteen years.
Q How old was he when he died? A Seventy-two I believe.
Q Did he have a Choctaw name? A No sir.
Q Where was he born? A I don't know, sir--he come to Mississippi quite a boy he told me.
Q Could he speak the Choctaw language? A Yes sir.
Q Can you? A No sir.
Q How do you know it was the Choctaw language he spoke, then?
A The white people said so.
Q Did he live in Pike County, Mississippi, from the time of your birth until his death? A Yes sir.
Q He wasn't a slave? A No sir.
Q Was your mother a slave? A Yes sir.
Q Was the man Tom married to your mother? A Yes sir, the way they was married in them times. They never had license then.
Q Did she ever have any other children by him except you? A There's seven of us--one's dead--there's five more besides me.
Q All by the same father and mother? A Yes sir.
Q Were your father and mother living together as husband and wife at the time of the surrender? A Yes sir.
Q How long after that did they live together? A Up until he died.
Q Do you know the names of his parents? A No sir.
Q Did you ever see them? A No sir.
Q Do you know where they lived? A No sir.
Q You know nothing about them? A No sir.
Q You don't know where he came from to Pike County, Mississippi?
A No sir.
Q Are you married? A Yes sir.

Q Wife living? A Yes sir.
Q What's her name? A Harriet Jefferson.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her, then? A No sir.
Q Have you been married more than once? A No sir.
Q Has she ever been married more than once? A No sir.
Q How many children have you living? A I've got six living.
Q What are their name and ages, the eldest first? A The eldest one is Cora, she's about twenty years old.
Q Next one? A Henry, about nineteen.
Q Next one? A Salena.
Q How old is she? A About eighteen.
Q Next one? A Jee.
Q How old? A Seventeen.
Q Next one? A Rhoda.
Q How old? A She's sixteen, I think.
Q Next one? A Jim.
Q How old is he? A About thirteen years old.
Q Is that all your children who are living? A Yes sir.
Q None of these children are married? A One of them is married-two of them have been married but one lost her husband.
Q Which ones have been married? A Cora and Salena.

By the Commissioner:
They will have to make application in their own behalf.

Q This application, then, is for yourself and four minor, unmarried children? A Yes sir.
Q Were you married to Harriet under a license? A Yes sir.
Q When? A Its been twenty-two years ago.
Q Where? A Magnolia, Mississippi.
Q Who married you? A I forget his name--he was a preacher.

It will be necessary for you to furnish the Commissioner with proper evidence of your marriage to your wife Harriet for use in connection with the application you make in behalf of your minor children. This should be furnished within thirty days from this date.

Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A Not thoroughly.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws

lived here in Mississippi and along the western edge of the Stateof Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River,part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th ~~article~~ article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out west to the new nation,might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shallbe entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age,to adjoin the location of the parent. If they reside upon said land,intending to become citizens of the States,for five years after the ratification of this treaty,in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?
A No sir.
Q Do you know about that? A Not that I know of.
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir,not that I know of.
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.
Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi,for the Choctaws,know that they wanted to stay here and become citizens of the States and take land? A I don't know,sir.
Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of your Choctaw ancestors ever get any land from the Government to your knowledge? A No sir,not to my knowledge.
Q Or any money? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Cho taws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government,at its public land sales here inMississippi,in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14tharticle of the treaty. This caused a great deal of complaint amo g the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors ever appear before any of these Commissioners and attempt to establish their rights under the 14th article of the Treaty of Dancing Rabbit Creek? A Not as I knows of.

An act of Congress approved the 23d day of August,1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should be entitled to select,inplace of the land so sold by the Government,land some place else in Mississippi or in Alabama,Louisiana or Arkansas,from vacant Government land,and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not as I knows of.
Q So far as you know,then,none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir,I don't know of any.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts--any deeds, patents or papers of any kind? A wo sir.
Q Have you any written evidence to offer at this time in support of your application--any papers of any kind? A No sir.
Q Have you any witnesses here today? A wo sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

Q Are there any further statements you desire to make at this time in support of your application? A No sir.
Q How many children have you living who ar of age or married? A Two.
Q What ar their names? A Cora Jefferson--her husband is dead.
Q What was herhusband's name? A Jack Butler.
Q What's the other one's name? A Salena Connelly..
Q Have these children been before the Commission? A wo sir.
Q Have you any brothers living? A Yes sir.
Q How many? A Two.
Q What are their names? A The oldest one is George Jefferson and the other oneis John Jefferson.
Q Where do they live? A One of them lives in Magnolia and one of them lives west of Magnolia in Amite County,near Liberty.
Q Have they been before the Commission? A wo sir.
Q They are full brothers of yours? A Yes sir.
Q Have you any brothers dead? A wo sir.
Q Have you any sisters living? A Three living.
Q What are their names? A The oldest one is Margaret Johns.
Q Where does she live? A She lives at Hammond Station on the Illinois Central,below Magnolia.
Q Has she been before this Commission? A No sir.
Q What's the name of the next sister? A Julia Cook.
Q Next one? A Josephine Coney.
Q Have you any sisters dead? A One.
Q What was her name? A Jane Jefferson.
Q Did she leave children? A One.
Q What was her married name? A She wasn't married.
Q Is the child living? A yes sir.
Q What's its name? A Lucius Cook.
Q How old? A About twenty-two,I expect.
Q Where does he live? A Works at Fernwood,Pike County,Mississippi.
Q Has he been before th Commission? A wo sir.

The applicant has th appear ance of being possessed of a mixture of negro and either white or Indian blood--his hair is black and perfectly straight but he has the features and facial expression of a negro--does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,head at Meridian, Mississippi,April 28th,1902,and that the above and foregoing is a full,true and correct tr anscript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 9th day of May,1902,at Muskogee,Indian Territory.

Charles H. Sawyer

Notary Public.

COPY

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Lewis Jefferson, et al., for identification as Mississippi Choctaws, M.C.R. 5467.

------D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Lewis Jefferson for himself and his four minor children, Henry, Joe, Rhoda and Jim Jefferson, under the following provision of the act of Congress approved June 28, 1898(30 Stats. 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the testimony that the principal applicant herein was born of a slave mother prior to the Emancipation Proclamation and was himself a slave, and that the other applicants are his lineal descendants, and it does not appear from the records in the possession of the Commission that any one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly

constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896(29 Stats. 321).

It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw and that the application of Lewis Jefferson, Henry Jefferson, Joe Jefferson, Rhoda Jefferson and Jim Jefferson as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED) Tams Bixby
Acting Chairman

(SIGNED) T. B. Needles.
Commissioner

(SIGNED) C. R. Breckinridge
Commissioner

Muskogee, Indian Territory

DEC 6 1902

M.C.R. 5467.

COPY.

Muskogee, Indian Territory, December 6, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lewis Jefferson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw and that the application of Lewis Jefferson, Henry Jefferson, Joe Jefferson, Rhoda Jefferson and Jim Jefferson as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED Tams Bixby.

Acting Chairman.

M.C.R. 5467

COPY.

Muskogee, Indian Territory, December 6, 1902.

Lewis Jefferson,

Magnolia, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lewis Jefferson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw and that the application of Lewis Jefferson, Henry Jefferson, Joe Jefferson, Rhoda Jefferson and Jim Jefferson as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Sec-

L.J.------2.

retary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Bixby.

Acting Chairman.

Register.

Land.
76,170-1902.

C O P Y.

Department of the Interior,

Office of Indian Affairs,

Washington, Feb., 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Lewis Jefferson for the identification of himself and his four minor children, Henry, Joe, Rhoda and Jim Jefferson, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on December 6, 1902.

The testimony in this case shows that the parties base their claim to identification as Mississippi Choctaws under this application because of their descent from Tom Jefferson. They are unable to state that Tom Jefferson was a recognized citizen of the Choctaw Nation, in Mississippi in 1830, or had an improvement or was a beneficiary under the 14th article.

The Commission rejected these parties because the name of their ancestor, through whom they claim, did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been m ade of the records of this office with reference to the name of Tom Jefferson from whom these applicants claim descent, and it is discovered that his name does not appear among the names of those who complied or attempted to comply

with the provisions of the 14th article of the Choctaw treaty of 1830.

This being, the case, it is evident that the decision of the com mission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

.A C. Tonner,

Acting Commissioner.

(E.B.H.)

P.

D.C. 7007 C O P Y. EAF.

DEPARTMENT OF THE INTERIOR.

W A S H I N G T O N

ITD. 1726-1903.
L R S

March 11, 1903

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Lewis Jefferson and his minor children, Henry, Joe, Rhoda and Jim Jefferson, including your decision of December 6, 1902, refusing the application.

You found from the testimony that the principal applicant was born of a slave mother and was himself a slave, and you held that no freedman is entitled to identification as a Mississippi Choctaw.

Reporting February 13, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved; a copy of his report is inclosed herewith.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary

1 inclosure.

M.C.R. 5467

COPY

Muskogee, Indian territory, March 20, 1903.

Lewis Jefferson,

Magnolia, Mississippi.

Dear Sir:

You are hereby notified that on the 11th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lewis Jefferson, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

Tams Bixby

Chairman.

M.C.R. 5467

Muskogee, Indian Territory, March 20, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 11th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lewis Jefferson, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

Tams Bixby

Chairman.

No. 5467

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 28 1902

Name Lewis Jefferson

Age 46 Blood 1/2.

Post-Office, Magnolia, Miss.

Father: Tom Jefferson d

Mother: Phyllis " d

Claims through father.

wife Harriet Jefferson 2
no claim for wife.

For self & 4 children)

Children:

~~Cora~~ ~~2~~

Henry Jefferson 19

~~Sabina~~ ~~18~~

Joe " 17

Rhoda " 16

Jim " 13

Stenographer J. S. Niles

Choctaw MCR 5468

Ann Jones

See MCR 5498, 5469, 5499

MCR 5468

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Ann Jones, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Ann Jones	M.C.R.	8468
Charles Waller,Sr., et al	"	8498
Charles Waller,Jr., et al	"	8469
Frank Jones	"	8499

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Ann Jones, et al.

(Page)

Original application of Ann Jones before the Dawes Commission for identification as a Mississippi Choctaw 1

Affidavit of Alex Hatch 6

Affidavit of Charles Pugh 7

Affidavit of Jarrett O'Neal 8

Affidavit of Spencer Smith 9

Original application of Charles Waller sr., et al., before the Dawes Commission for identification as Mississippi Choctaws 10

Affidavit of Charles Pugh 14

Affidavit of Alex Hatch 15

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Ann Jones, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Ann Jones	M.C.R.	5468
Charles Waller,sr., et al	"	5498
Charles Waller,jr., et al	"	5469
Frank Jones	"	5499

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Ann Jones, et al.

(Page)

Original application of Ann Jones before the Dawes Commission for identification as a Mississippi Choctaw 1

Affidavit of Alex Natch 6

Affidavit of Charles Pugh 7

Affidavit of Jarrett O'Neal 8

Affidavit of Spencer Smith 9

Original application of Charles Waller sr.,et al., before the Dawes Commission for identification as Mississippi Choctaws 10

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Affidavit of Jarrett O'Neal 16

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Original application of Charles Waller,jr., et al., before the Dawes Commission for identification as Mississippi Choctaws 18

Affidavit of Alex Hatch 21

Affidavit of Charles Pugh 22

Affidavit of Jarrett O'Neal 23

Affidavit of Spencer Smith 24

Original application of Frank Jones before the Dawes Commission for identification as a Mississippi Choctaw 25

Affidavit of Spencer Smith 27

Decision of the Commission refusing the consolidated application of Ann Jones, et al., for identification as Mississippi Choctaws 28

---o---

5265

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 28, 1902.

In the matter of the application of Ann Jones for identification as a Mississippi Choctaw.

Said Ann Jones, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Ann Jones.
Q How old are you? A I guess I'm seventy-eight years old.
Q How much Choctaw blood have you? A My father was a whole Choctaw--that must make mehalf.
Q What's your postoffice address? A Rosemary.
Q What County? A Hale County.
Q What State? A Alabama.
Q How long have you lived in Hale County, Alabama? A All my days.
Q Were you a slave? A Yes sir.
Q Is your father living? A Not as I knows of; he went off from us after I was a young lady.
Q What was his name? A Adkins Lawson.
Q Is your mother living? A No sir.
Q what was her name? A Sallie Lawson.
Q You claim your father was a full blood Choctaw? A Yes sir.
Q And your mother was a slaveand had no Choctaw blood? A No sir.
Q Where was your father born? A Mississippi.
Q What County? A I don't know, sir, but he was from Mississippi. He married my mother in Hale County--after she died he went back there.
Q How old were you when your mother died? A I was a young lady.
Q Did your mother ever have any other children by this Indian?
A Yes sir-she had five excusing me.
Q Was she married to this Indian? A Oh-yes; she was married to him like we all married in slavery times.
Q Do you know the name of your father's father? A No sir.
Q Or your father's mother? A I heard him say his mother's name was Rachel.
Q Did you ever see her? A No sir, I never seen any of his people--he come from Mississippi.
Q Your father, you say, wasn't a slave? A No sir, there wasn't a piece of slave in my father.
Q How old was he when he left Mississippi? A I don't know, sir--he courted and married my mother.
Q Do you remember in what year you were born, A No sir.
Q But you think you are about seventy-eight years old? A Yes sir, I was six years old when the stars fell.
Q From the time you were born until your father left you, when you were a young lady, had he lived there in Alabama continuously with your mother? A Yes sir, until she died and he went back to Mississippi.
Q You never heard of him since? A No sir.
Q Are you married? A My husband is dead.

Q Have you any children living who are under age? A All my children as of age.
Q This application,then,is for yourself only,is it? A yes sir.
Q Were you married more than once? A no sir.
Q What was your husband's name? A Jacob Jones.
Q How many children have you living? A Three.
Q What are their names? A Charlie,Frank and Mary Etta Penney.
Q How many children have you dead? A Two or three dead.
Q Did any of them leave children? A Yes sir,one of them did.
Q What was the name of the one who left children? A Grace Tinker.
Q Are anyof her children living now? A Yes sir,she's got five of six of them living.
Q What are the names of those living? A Calvin Harvey,Lewis Tinker, Robert Tinker,Chaney Tinker,Tilla Tinker and Columba Tinker.
Q Is that all of them? A Yes sir.
Q None of those children have been before this Commission,have they? A No sir.
Q Are any of your children here today? A No sir,none but my grandchild.
Q How many of your grandchildren are here? A Only one.
Q What's the name? A Charles Waller.
Q Has any applicationof any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A no sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek,do you? A Yes sir.
Q You understand that 14th article? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No sir.
Q Are you sure of that? A yes sir.
Q Did any of your ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A I couldn't tell-I don't know.
Q Did any of them live here at that time,to your knowledge? A Not as I know of.
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A None that I know of.
Q You never knew anyof your Choctaw ancestors except your father, did you? A No sir,none but him.
Q And he didn't go out to the Choctaw Nation in Indian Territory, did he? A No sir.
Q Did any of your Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was finally ratified of agreed to let the Agent of the Government here in Mississippi,for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.
Q Do you know whether any of your Choctaw ancestors ever got any land here in Mississippi from theGovernment of the United States under this 14th articleof the treaty of Dancing Rabbit Creek? A I don't know.

Q Did you ever hear of any of your ancestors everhaving gotten any land fromthe Government of the United States or any money? A No sir.

In accordance with the provisions of this 14th artble of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizns of the States and take land The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government,at its public land sales here in Mississippi,in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the yeas 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

An act of Congress approved the 23rd day of August,1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that his land had ben sold by the Government,he should be entitled to select,in place of the land so sold by the Government,land some place else in Mississippi or in Alabama,Louisiana or Arkansas, fromvacant Government land,and should be given a certificate to that effect. These certificates were called scrip

Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A No sir.
Q So far as you know,then,none of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians? A No sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing

Rabbit Creek or ever received any benefits thereunder? A No sir.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence of any kind to offer at this time?
A Yes sir.

The affidavits of Alex Hatch, Charles Pugh and Jarrett O'neal are offered in evidence, identified as Exhibits A-B-and C, filed and made a part of the records in this case.

Q Is this man Alex Hatch any relation to you? A No sir.
Q Is he interested in any way in the result of your application?
A No sir.
Q Is he white or black? A Black.
Q Is Charles Pugh any relationto you? A No sir.
Q Is he interested in any way in the result of your application?
A No sir.
Q What color is he? A Black.
Q Is Jarrett O'neal any relation to you? A No sir.
Q Interested inany way in the result of your application? A No sir.
Q White or black? A Black.
Q Where do these people live? A Hale County, Alabama. They all live right near me.
Q Have you any witnesses here today to testify in your behalf?
A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the thirtieth of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q Have you any brothers living? A No sir.
Q Did you ever have any brothers? A I had two--they're dead.
Q Did either of them leave children? A No sir.
Q Did you ever have any sisters? A I did have but they were sold before emancipation--I haven't heard of them since.

This applicant has the appearance of being a full blood negro, though her hair is somewhat inclined to be straight. She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full

all proceedings had in th above entitled cause, head at Meridian, Mississippi, April 28th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

L. T. Rice

Subscribed and sworn to before me this the 9th day of May, 1902, at Muskogee, Indian Territory.

Charles H. Sampson

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Ann Jones, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Ann Jones,	M.C.R. 5468
Charles Waller Sr., et al.,	M.C.R. 5498
Charles Waller Jr., et al.,	M.C.R. 5469
Frank Jones,	M.C.R. 5499

-------D E C I S I O N -----

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Ann Jones for herself; by Charles Waller Sr. for himself and his minor child, Amanda Waller; by Charles Waller Jr., for himself and his seven minor children, Al S., Jesse, Ponsy, Frank, Sarah, Richard, and Robert Waller; and by Frank Jones for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the testimony that the principal applicant herein was born of a slave mother prior to the Emancipation Proclamation and was herself a slave, and that the other applicants are her lineal descendants, and it does not appear from the records in the possession of the Commission that any one of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw and that the applications of Ann Jones, Charles Waller Sr., Amanda Waller, Charles Waller Jr., Al S. Waller, Jesse Waller, Fonsy Waller, Frank Waller, Sarah Waller, Richard Waller, Robert Waller and Frank Jones as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tams Bixby
Acting Chairman

T. B. Needles
Commissioner

C. R. Breckinridge
Commissioner

Muskogee, Indian Territory,

FEB 7 1903

Miss. Choctaw5468

Muskogee, Indian Territory, May 3, 1902.

Ann Jones,

Greensboro, Alabama, C/o Ad Wimbs,

Dear Madam:

Receipt is hereby acknowledged of your letter of April 29, stating that you have appeared before the Commission at Meridian, Mississippi, and you wish to know whether you should employ a lawyer to present your claim. You also ask to be supplied with a copy of the Commission's last Annual Report.

In reply to your letter you are advised that it appears from our records that on April 28, 1902, you made application to the Commission at Meridian, Mississippi, for identification as a Mississippi Choctaw. No decision has yet been reached nor opinion rendered relative to your rights as such Mississippi Choctaw. As soon as a decision is reached you will be notified of the action of the Commission.

You are further advised that the supply of Eighth Annual Reports of the Commission has been exhausted and there are now none for distribution. Your name, however, has been placed upon our list and should an additional supply be received you will be furnished a

copy of the same.

Relative to that part of your letter in which you ask whether you should employ an attorney to prosecute your claim, you are advised that this is a matter which is entirely within the discretion of the applicant.

Yours truly,

Commissioner in Charge.

Miss. Choctaw
5498,5499,5500,5501,5502

Muskogee, Indian Territory, June 2,1902.

Houston C. Jack,

Attorney at Law,

Greensboro, Alabama,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 26, inclosing affidavits for filing with applications for identification as Mississippi Choctaws, as follows:

Affidavits of Andrew Lake, W. Morhorn and Daniel Lyles in the case of William M. Thomas.

Affidavits of Abner Locke, Cynthia Martin and Jerry Lawson in the case of William Holley, et al.

Affidavits of Abner Locke and Aaron Perry, in the case of William Phone, et al. and affidavits of Spencer Smith, one each to be filed in the cases of Charles Waller, Sr., Charles Waller, Jr., Frank Jones, and and Ann Jones respectively.

These affidavits have been made a part of the record in the above named cases and will receive consideration in the disposition of the applications.

Yours truly,

Acting Chairman.

M.C.R. 5493
" 5468

Muskogee, Indian Territory, January 19, 1903.

Charles Waller,

Greensboro, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th inst., in which you state that you appeared before the Commission at Meridian, Mississippi, May 9, 1902, or about that time, and made proof of your claim. You ask to be advised the present status of your case; also of the case of your grandmother, Ann Jones.

In reply to your letter, you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor child as Mississippi Choctaws; and that Ann Jones is an applicant for identification as a Mississippi Choctaw.

The Commission has not up to the present time reached any opinion or decision relative to the rights of the applicants in these cases to be identified as Mississippi Choctaws, but is now considering their applications and it is probable decisions will be rendered in the near future.

C W 2

Yourself and Ann Jones will be duly notified of the action of the Commission, and of the forwarding of the records to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

COPY

M.C.R. 5468

Muskogee, Indian Territory, February 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann Jones, et al., embracing the following applications for identification as Mississippi Choctaws:

Ann Jones,	M.C.R. 5468
Charles Waller, Sr., et al.,	M.C.R. 5498
Charles Waller, Jr., et al.,	M.C.R. 5469
Frank Jones,	M.C.R. 5499

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw and that the applications of Ann Jones, Charles Waller, Sr., Amanda Waller, Charles Waller, Jr., Al S. Waller, Jesse Waller, Ponsy Waller, Frank Waller, Sarah Waller, Richard Waller, Robert Waller and Frank Jones as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED: *Tams Bixby.*

Acting Chairman.

M.C.R. 5468

COPY.

Muskogee, Indian Territory, February 7, 1903.

Ann Jones,

Rosemary, Alabama.

Dear Madam:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann Jones, et al., embracing the following applications for identification as Mississippi Choctaws:

Ann Jones,	M.C.R. 5468
Charles Waller, Sr., et al.,	M.C.R. 5498
Charles Waller, Jr., et al.,	M.C.R. 5469
Frank Jones,	M.C.R. 5499

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw and that the applications of Ann Jones, Charles Waller, Sr., Amanda Waller, Charles Waller, Jr., Al S. Waller, Jesse Waller, Ponsy Waller, Frank Waller, Sarah Waller, Richard Waller, Robert Waller and Frank Jones as such should therefore be refused, and it is so ordered."

Ann Jones,-2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Acting Chairman.

Registered.

Muskogee, Indian Territory, February 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Ann Jones, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 7, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Ann Jones	M.C.R. 5468
Charles Waller, Sr., et al.	M.C.R. 5498
Charles Waller, Jr., et al.	M.C.R. 5469
Frank Jones	M.C.R. 5499

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.
2 inclosures: M.C.R. 5468

COPY

Refer in reply to the following:
LAND.
13885-1903.

Department of the Interior,

Office of Indian Affairs,

Washington,
March 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of of the following persons, wherein a decision adverse to the applicants was rendered by the Commission on February 7, 1903.

Ann Jones; Charles Waller, Sr., for himself and his minor child Amanda Waller; Charles Waller Jr., for himself and his seven minor children, Al. S, Jesse, Fonsy, Frank, Sarah, Richard and Robert Waller and Frank Jones.

The Commission states in its decision rejecting these applicants that it is of the opinion that no freedman isentitled to identification as a Mississippi Choctaw.

An examination has been made of the evidence in this case, and it is found that the applicants claim identification by reason of their descent from one Atkin Lawson, who, it is alleged, was a citizen of the Choctaw Nation and a resident of Mississippi et Alabama in 1830.

The Office has examined its records with reference to this case and since the name of Atkin Lawson does not appear in its records of those persons who complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, made with the Choctaw Indians in 1830, it is recommended that the decision of the Commission, in so far as it rejects these applicants be approved.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

D.C. 12133 C O P Y. MW. S.V.P.
J.W.R. WCP

DEPARTMENT OF THE INTERIOR.
W A S H I N G T O N.

I.T.D 2826

April 23, 1903.

F.L.C.
Commission of the
Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

I have considered the proceedings of your commission upon the application for identification as Mississippi Choctaws of Ann Jones and her descendants, Charles Waller Sr., for himself and his minor child Amanda Waller, and Charles Waller, Jr., for himself and his seven minor children, Al., S., Jesse, Fonsy, Frank, Sarah, Richard and Robert Waller, and Frank Jones.

You found from the testimony that the principal applicant was born of a slave mother and was herself a slave, and that the other applicants are her lineal descendants, and rejected the application upon the ground that no freedman is entitled to identification as a Mississippi Choctaw.

The Commissioner of Indian Affairs states that the name of Atkin Lawson does not appear upon the records of his office as one who complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, made in 1830, and for that reason recommends that the decision of your commission rejecting these applicants be approved.

Examination of the evidence shows that the claim of right to be identified as Mississippi Choctaws rests upon Ann Jones's descent as child of Atkin (or Adkin) Lawson, by a negro slave woman. While the evidence might be accepted to show her to be the child of Lawson and that he was an Indian, it is insufficient to show that he

was a Choctaw or to identify him with the Mississippi Choctaws entitled to the benefits ofthe treaty of Dancing Rabbit Creek, September 27, 1830 (7 Stat., 333). Ann Jones testifies that she is seventy-eight years old, and that her father, a full blood Indian had come from Mississippi to Hale county, Alabama, and married and lived with her mother to the time of her mother's death, and then returned to Mississippi, and shehas not heard from him since. From her age, his going to Alabama must have been as early as about 1821. The time of his leaving Alabama is entirely uncertain. He is in no manner identified as having been at any time, before or after his residence in Hale county Alabam, identified with or belonging to the Choctaw tribe.

Because of the insufficiency of the evidence submitted to connect the applicants with or to identify them as descendants of a Mississippi Choctaw, their application must be refused. This makes it unnecessary to consider the grounds upon which your decision was based.

For the reasons given herein, the rejection of the application in question is approved.

Very respectfully,

(Signed)

E.A. HITCHCOCK.

Secretary.

1 Enc.

M.C.R. 5468

COPY.

Muskogee, Indian Territory, May 4, 1903.

Ann Jones,

Rosemary, Alabama.

Dear Madam:

You are hereby notified that on the 23rd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ann Jones, et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,

Tams Bixby.

Chairman.

M.C.R. 5468

COPY

Muskogee, Indian Territory, May 4, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 23rd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ann Jones, et al., of which decision you were advised by mail on the 7th day of February, 1903.

Respectfully,

(SIGNED)

Tams Bixby.

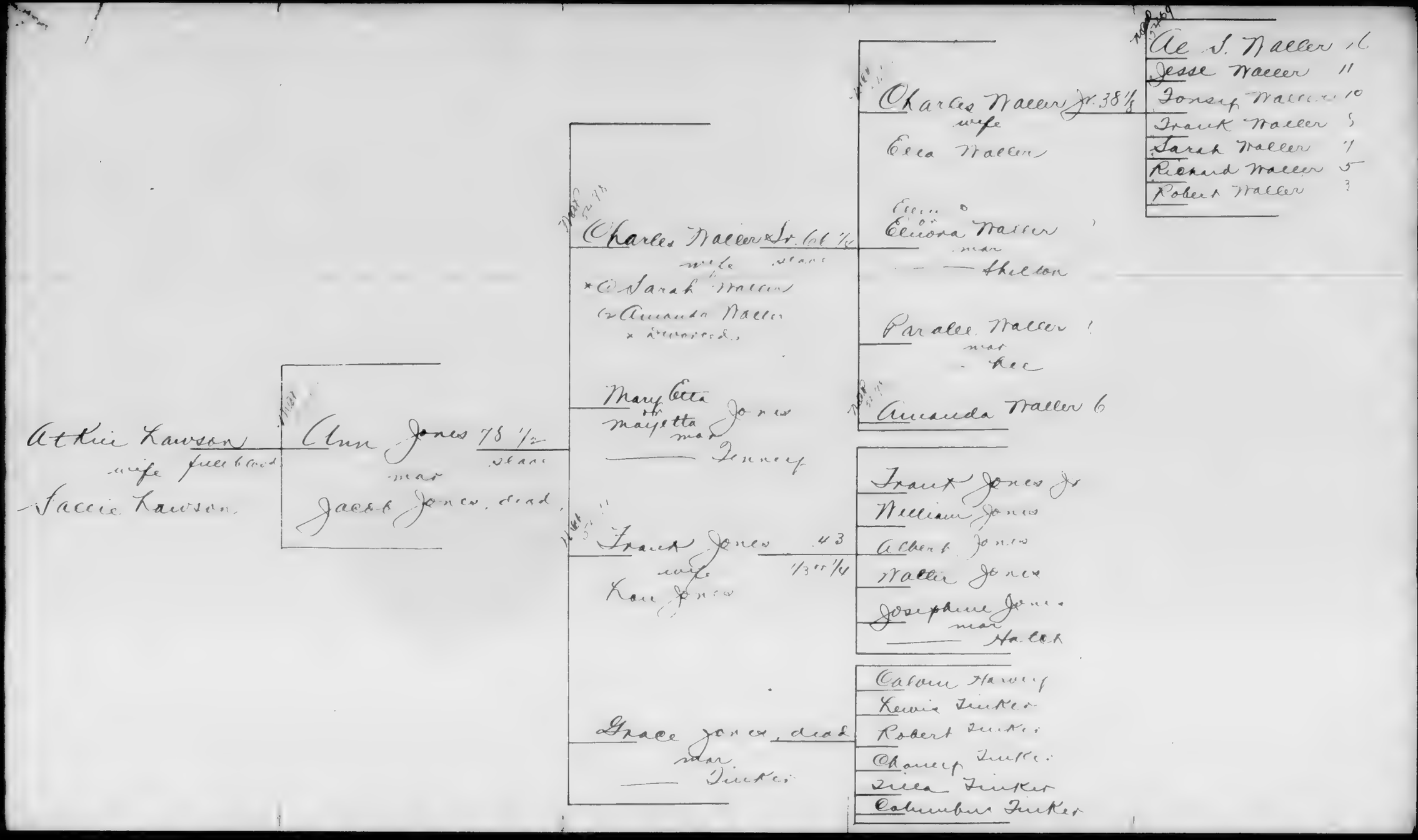
Chairman.

REFER TO M. C. R. 5[illegible]

Ann Jones et al

Consolidated Case

CARD No. | NAME | RESIDENCE DISTRICT | POST OFFICE | AGE | SEX


Atkie Lawson
wife full blood
Saccie Lawson
Ann Jones 78 1/2
mar
Jacob Jones, dead
Charles Waller Jr. 66 1/2
wife
Sarah Waller
Amanda Waller
divorced
Mary Etta
Maysetta Jones
mar
Jennings
Frank Jones 43
wife
Kate Jones
1/3 11/4
Grace Jones, dead
mar
Tinker
Charles Waller Jr. 38 1/2
wife
Ella Waller
Elnora Waller
mar
Shelton
Parales Waller
mar
Lee
Amanda Waller 6
Frank Jones Jr
William Jones
Albert Jones
Walter Jones
Josephine Jones
mar
Hallock
Calvin Harvey
Lewis Tinker
Robert Tinker
Chancy Tinker
Lilla Tinker
Columbus Tinker
Ale S. Waller 16
Jesse Waller 11
Joseph Waller 10
Frank Waller 5
Sarah Waller 7
Richard Waller 5
Robert Waller 3

#2140

No. 5468

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date ... 8 1902

Name Ann Jones

Age 78 Blood 1/2

Post-Office, Rosemary, Ala.

Father: Adkin Lawson d

Mother: Sallie " d

Claims through father.

For self only.

Children:

Stenographer I. S. Nile

Choctaw MCR 5469

Charles Waller Jr.

See MCR 5468

MCR 5469

5469

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 28th, 1902.

In the matter of the application of Charles Waller Jr., for the identification of himself and seven minor children, Al S., Jesse, Ponsy, Frank, Sarah, Richard and Robert, as Mississippi Choctaws.

Said Charles Waller Jr., being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Charles Waller Jr.
Q How old are you? A I'm about thirty-eight.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q What's your postoffice address? A Rosemary, Alabama.
Q What County? A Hale.
Q How long have you lived in Hale County, Alabama? A Since I was born.
Q Is your father living? A Yes sir.
Q What's his name? A Charles Waller Sr.
Q Is your mother living? A Yes sir.
Q What's her name? A Sarah.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q Has your father been before this Commission? A No sir.
Q Where does he live? A He lives in Hale County, Alabama.
Q Has he lived there all his life? A Yes sir.
Q Through which one of his parents did he get his Choctaw blood? A Mother.
Q What's her name? A Ann Jones.
Q Is she the Ann Jones who appeared before the Commission here today? A Yes sir.
Q Were your father and mother married under a license? A No sir, married in slavery times.
Q Have they lived together ever since the surrender as man and wife? A Yes sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Have you been married more than once? A No sir.
Q What's the name of your wife? A Ella.
Q Has she any Choctaw blood? A Yes sir, but I don't know how much; she come from Mississippi to Hale County.
Q You don't make any claim for her? A No sir, I can't prove her blood.
Q How many children have you living? A Seven.
Q What are their names and ages, the oldest first? A Al S.
Q How old? A About sixteen.
Q Next one? A Jesse.
Q How old is Jesse? A Eleven years old.
Q Next one? A Ponsy.
Q Boy? A Yes sir.
Q How old? A About ten.
Q Next one? A Frank.
Q How old is he? A About eight.

Q Next one? A Sarah,about seven.
Q Next one? A Richard, about five.
Q Next one? A Robert,about thre.
Q Is that all of them? A Yes sir.
Q Are they all living with you at this time? A Yes sir.
Q As they all the children of yourself and Ella? A Yes sir.
Q This application,then,is for yourself and seven minor children, is it? A Yes sir.
Q Has any application of any description ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and seven minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q You understand that 14th article,do you? A Yes sir.
Q You heard the entire examination of your father's mother,Ann Jones, did you not? A Yes sir.
Q Do you know anything further about a compliance on the part of your Choctaw ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek than what is disclosed by her testimony? A No sir.
Q Have you any witnesses here today to testify in your behalf?
A No sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence to offer at this time in support of your application? A Yes sir.

The affidavits of Alex Hatch,Charles Pugh and Jarrett O'neal are offered in evidence,identified as Exhibits A-B and C,respectively,filed and made a part of the records in this case.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q Have you any brothers living? A No sir,I've got two sisters.
Q What are their names? A Paralee Lee and Ellen Shelter.
Q Where do they live? A Paralee lives in Mobile and Ellen stays in Hale County.
Q Have either of them been before the Commission? A No sir.
Q Have you any brothers dead? A Yes sir.
Q How many? A I don't know,sir; I've got nine brothers and sisters dead--they all died small.

Q None of them left children? A No sir.
Q Has your father any brothers or sisters living? A Yes sir,he's got one brother and one sister.
Q What are their names? A Frank Jones and Mayetta Penney.
Q Have they been before the Commission? A No sir.
Q You don't speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being a full blood negro--shows no indications of being possessed of any Indian blood--does not speak or understand the Choctaw language.

Ira S. Miles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 28,1902,and that the above and foregoing is a full true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Miles

Subscribed and sworn to before me this the 10th day of May,1902,at Muskogee,Indian Territory,

Charles N. Sawyer
Notary Public.

Miss.Choctaw 5469

Muskogee, Indian Territory, May 14, 1902.

Charles Waller,

Rosemary, Alabama,

Dear Sir:

Your letter of April 29, addressed to the Secretary of the Interior, has been referred to this Commission for consideration and appropriate action. You state therein that you have appeared before the Commission at Meridian, Mississippi, and have been informed that all persons who can sufficiently establish the fact that they are descendants of the Five Civilized Tribes are entitled to certain allotment of land and funds now in the hands of the Government which belong to the Indians and you ask for information with reference to this matter.

In reply to your letter you are advised that it appears from our records that you are an applicant to this Commission for the identification of yourself and seven minor children as Mississippi Choctaws. The authority of the commission to determine the identity of so-called Mississippi Choctaws is found in section twenty one of the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Article fourteen of the treaty of 1830, referred to in the above legislation, provides:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent, within six months from the ratification of this treaty; and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parents. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

The Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that they are descendants of Choctaw Indians who resided in the old Choctaw Nation in Mississippi and Alabama in 1830 and complied with the provisions of the fourteenth article of the treaty of 1830, quoted above, and whose claims under said article were favorably adjudicated

The act of Congress of May 31, 1900, provides:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes, shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

It is not believed that the benefits of the act of Congress last above quoted would accrue to applicants until they had been identified by this Commission as Choctaw Indians entitled to rights

C.W. 3

in the Choctaw lands under the fourteenth article of the treaty of 1830.

Yours truly,

Acting Chairman.

Miss. Choctaw
5488,5460,5508,
5499,5500,5501,5502

Muskogee, Indian Territory, June 2,1902.

Houston C. Jack,

Attorney at Law,

Greensboro, Alabama,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 26, inclosing affidavits for filing with applications for identification as Mississippi Choctaws, as follows:

Affidavits of Andrew Lake, M. Morhorn and Daniel Lyles in the case of William M. Thomas.

Affidavits of Abner Locke, Cynthia Martin and Jerry Lawson in the case of William Holley, et al.

Affidavits of Abner Locke and Aaron Perry, in the case of William Rhone, et al. and affidavits of Spencer Smith, one each to be filed in the cases of Charles Waller, Sr., Charles Waller, Jr., Frank Jones, and and Ann Jones respectively.

These affidavits have been made a part of the record in the above named cases and will receive consideration in the disposition of the applications.

Yours truly,

Acting Chairman.

M.C.R. 5469

COPY

Muskogee, Indian Territory, February 7, 1903.

Charles Waller, Jr.,

Rosemary, Alabama.

Dear Sir:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann Jones, et al., embracing the following applications for identification as Mississippi Choctaws:

Ann Jones,	M.C.R. 5468
Charles Waller, Sr., et al.,	M.C.R. 5498
Charles Waller, Jr., et al.,	M.C.R. 5469
Frank Jones,	M.C.R. 5499

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw and that the applications of Ann Jones, Charles Waller, Sr., Amanda Waller, Charles Waller, Jr., Al S. Waller, Jesse Waller, Ponsy Waller, Frank Waller, Sarah Waller, Richard Waller, Robert Waller and Frank Jones as such should therefore be refused, and it is so ordered."

Charles Waller, Jr.,-2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) Tams Bixby.

Acting Chairman.

Registered.

M.C.R. 5469

Muskogee, Indian Territory, May 4, 1903.

Charles Waller, Jr.,
Rosemary, Alabama.

Dear Sir:

You are hereby notified that on the 23rd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ann Jones, et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,

Tams Bixby.
Chairman.

#2141 No. 5469

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 28 1902

Name Charles Waller Jr

Age 38 Blood 1/8

Post-Office Rosemary, Ala.

Father: Charles Waller L

Mother: Sarah " L

Claims through father

wife Ella Waller L

No claim for wife

for self and 7 children

Children:

Al S. Waller 16

Jesse " m 11

Jonesy " " 10

Frank " 8

Sarah " 7

Richard " 5

Robert " 3

Stenographer I. S. Niles

Choctaw MCR 5470

Mourning Hobson

See MCR 5471, 5473

MCR 5470

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mourning Hobson, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Mourning Hobson, et al.,	M.C.R. 5470
Cornelius Hobson, et al.,	M.C.R. 5471
Sanders Singleton,	M.C.R. 5473

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Mourning Hobson, et al.

Page.

Original application of Mourning Hobson, et al., for identification as Mississippi Choctaws 1

Affidavit of Abner Locke 6

Affidavit of Charity Singleton 7

Original application of Cornelius Hobson, et al., for identification as Mississippi Choctaws 8

Certified copy of marriage license and certificate of marriage of Cornelius Hobson and Eliza Fisher 12

Original application of Sanders Singleton for identification as a Mississippi Choctaw 13

Affidavit of Abner Locke 17

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mourning Hobson, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Mourning Hobson, et al.,	M.C.R. 5470
Cornelius Hobson, et al.,	M.C.R. 5471
Sanders Singleton,	M.C.R. 5473

D E C I S I O N .

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Mourning Hobson for herself and her minor child, Mary Hobson; by Cornelius Hobson for himself and his five minor children, Henderson, Richard, John, James and Pearl Hobson; and by Sanders Singleton for himself, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that the principal applicants, Mourning Hobson and Sanders Singleton, were born of a slave mother prior to the Emancipation Proclamation and were themselves slaves, and that the other applicants are lineal descendants of the said Mourning Hobson, and it does not appear from the records in the possession of the Commission that any one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mourning Hobson, Mary Hobson, Cornelius Hobson, Henderson Hobson, Richard Hobson, John Hobson, James Hobson, Pearl Hobson and Sanders Singleton as such should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

DEC 30 1902

547C

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 28th, 1902.

In the matter of the application of Mourning Hobson for the identification of herself and one minor child, Mary Hobson, as Mississippi Choctaws.

Said Mourning Hobson, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Mourning Hobson.
Q How old are you? A About seventy years old.
Q How much Choctaw blood do you claim to have? A My grandmother was a full Indian--my father's mother.
Q Your father was a half breed? A Yes sir.
Q Your mother had no Choctaw blood? A She was African.
Q That would make you a quarter, would it? A Yes sir, I guess so.
Q What's your postoffice address? A Greensboro, Hale County, Alabama.
Q How long have you lived in Hale County, Alabama? A I was born there.
Q Lived there all your life? A Yes sir.
Q Were you a slave? A I was raised up a slave.
Q Is your father living? A No sir.
Q What was his name? A Arthur Singleton.
Q Is your mother living? A No sir.
Q What was her name? A Viney Singleton.
Q Your father and mother were both slaves, were they? A My father wasn't a slave but my mother was.
Q You get your Choctaw blood solely through your father? A Yes sir.
Q Where was your father born? A I reckon he was born in Choctaw- I wasn't here, you know, when he come.
Q Choctaw where? A Choctaw, Mississippi.
Q Do you know what part of Mississippi he came from? A I heard him say in Choctaw Mississippi--somewheres about Vicksburg. I've heard him talk about it.
Q Do you speak or understand the Choctaw language? A I can't speak it but he could.
Q Your father could speak it? A Yes sir, but I couldn't understand him.
Q What was your grandmother's name-your father's mother? A Charity.
Q What other name did she have? A Charity Buchanan.
Q Was she a slave? A No sir.
Q Do you know where she was born? A No sir, she was an old Indian woman and went about.
Q You claim that she was a full blood Choctaw, do you? A Yes sir, she was full blood Indian.
Q Were your father and mother married? A Yes sir, my father married my mother.
Q According to the custom in vogue among slaves at that time? A Yes sir.
Q How long did they live together? A They lived together until they died.

Q How many children did they have? A Had eight.
Q Are you married? A No sir,my husband is dead.
Q Did he have any Choctaw blood? A No sir.
Q Were you married more than once? A No sir.
Q What was your husband's name? A Levi Hobson.
Q How long has he been dead? A Been dead about six years.
Q Have you any children living who are under age? A None but Mary.
Q How old is Mary? A About twenty years old.
Q Does she live there with you now? A Yes sir.
Q Is she the daughter of yourself and Levi Hobson? A Yes sir.
Q Has Mary ever been married? A No sir.
Q This application,then,is for yourself and one minor child? A Yes sir.
Q Has any application of any description ever been made before today for you or this child for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for your self and minor child under article 14 of the treaty of Dancing Rabbit Creek,do you? A Yes sir.
Q Do you understand that 14th article? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No sir,not that I know of.
Q Did any of your ancestors live here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A Not as I know of.
Q Did any of them own an improvement here in the old Choctaw Nation at that time? A Not as I know of.
Q Did anyof them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was made let the Agent of the Government here in Mississippi,for the Choctaws,know that they wanted to stay here and become citizens of the states and take land? A Not as I know of
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United states under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.
Q You are quite sure of that,are you? A I haven't heard.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United states directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agentfailed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government,at its public land sales herein Mississippi,inmany instances sold land upon which Choctaws lived and had improvements and which they

supposed the would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter wwas finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I knew of,I never heard of it until the other day.

An act of Congress approved the 23rd day of August,1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with th provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should be entitled to select ,in place of the land so sold by the Government,land some place else here in Mississippi or in Alabama,Louisiana or Arkansas,from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir.
Q So far as you know,then,none of your people ever received any benefits whatever as Choctaw Indians? A No sir.
Q How many children have you living over age? A I have six children living--five of them are over age.
Q What are the names of the five who are over age? A Cornelius Hobson,Estel Moore,Liza Long,Alfred Hobson and ~~Kizy~~ Viney Green.
Q Mary makes six? A Yes sir.
Q Have any of your children who are of age been before the Commission? A No sir,cornelius is here today.
Q Have you any brothers living? A I have two living.
Q Full brothers? A Yes sir.
Q What are their names? A Sandy Singleton--he's here today--and Pinkney Singleton.
Q Have you any sisters living? A Yes sir,I have two living.
Q What are their names? A Caroline Eden and Hannah Luvert.
Q Have any of your brothers or sisters been before the Commission? A No sir.
Q Have you any brothers dead? A Yes sir.
Q How many? A Two.

Q Did either of them leave children? A Yes sir,both left children.
Q What was the name of your oldest brother who is dead? A Zion May.
Q How many children did he leave? A Left three.
Q Are they living? A yes sir.
Q What are their names? A Sol May and a girl--she's dead.
Q Dis she leave any children? A No sir.
Q What's the name of the orher child? A Winona May.
Q Is she married? A She's dead--I don't know where her children is.
Q That's all of your brother Zion's children,is it? A Yes sir.
Q Do you know the names of Winona's children? A No sir.
Q What was the name of your other brother who is dead? A Lewis Singleton.
Q How many of his children are living now? A Hannah.
Q Hannah what? A I don't know--she lives near Newburn.
Q What's the name of the next one of those children? A Mollie.
Q Is she married? A Yes sir.
Q What's her husband's name? A I don't know her husband's name.
Q Next one? A Lou, I don't know what her husband's name is.
Q Have they been before the Commission? A No sir.
Q Have you any sisters dead? A Yes sir.
Q How many? A Two.
Q Did they leave children? A One of them left a child but its dead.
Q Did the child leave any descendants? A Yes,one of the girls, her child got three or four children but I don't know their names.
Q Where do they live? A They live in Hale County,but I don't know their names.
Q Has any application ever been made to this Commission for them? A No sir.
Q Have you any children dead who left children? A Yes,I got one dead who left two children--one of them is dead.
Q What was the name of the child who left two children? A Martha Wiggins--she left a boy named Zion and one named Jim,but Jim is dead.
Q Where does Zion live? A He lives on the River in Hale County.
Q Has he been before the Commission? A No sir.
Q Do you know of any old person living who would likely know whether anyof your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts--any deeds,patents or papers of any kind which would prove that your people ever complied with this treaty provision? A No sir.
Q Have you any witnesses to testify in your behalf here today? A No sir.
Q Have you any written evidence of any kind to offer in support of your application? A Yes sir.

The affidavits of Abner Locke and Jarrett Wilson are offered in evidence,identified as Exhibits A and B,respectively,filed and made a part of the records in this case.

Q Is Abner Lock e any relation to you? A No sir.
Q Where does he live? A He lives in Hale County.
Q Is he interested in any way in the result of your application?
A No sir.
Q Is Jarrett Wilson any relation to you? A No sir.
Q Is he interested in any way in the result of your application?
A No sir.
Q Are these people white people? A No sir.
Q They're both negroes,are they? A Yes sir.
Q Is there anything further you want to say at this time in support of your application? A No sir.

The applicant has the appearance of being a full blood negro--shows no indications of being possessed of Indian blood and does not speak or understand the Choctaw language; her hair,however,is inclined to be straight.

---- --------

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 28th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 10th day of May,1902, at Muskogee,Indian Territory.

Charles N. Sawyer
Notary Public.

M.C.R. 5470

Muskogee, Indian Territory, December 30, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mourning Hobson, et al., embracing the following applications for identification as Mississippi Choctaws:

Mourning Hobson, et al.,	M.C.R. 5470
Cornelius Hobson, et al.,	M.C.R. 5471
Sanders Singleton,	M.C.R. 5473

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mourning Hobson, Mary Hobson, Cornelius Hobson, Henderson Hobson, Richard Hobson, John Hobson, James Hobson, Pearl Hobson and Sanders Singleton as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.

Acting Chairman.

M.C.R.5470

Muskogee, Indian Territory, December 30, 1902.

Mourning Hobson,

Greensboro, Alabama.

Dear Madam:

You are hereby advised that on the 30th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mourning Hobson, et al., embracing the following applications for identification as Mississippi Chootaws:

Mourning Hobson, et al.,	M.C.R. 5470
Cornelius Hobson, et al.,	M.C.R. 5471
Sanders Singleton,	M.C.R. 5473

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Chootaw Indians claiming rights in the Chootaw lands under article fourteen of the treaty between the United States and the Chootaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Chootaw, and that the applications of Mourning Hobson, Mary Hobson, Cornelius Hobson, Henderson Hobson, Richard Hobson, John Hobson, James Hobson, Pearl Hobson and Sanders Singleton as such should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) James Dixby.

Registered.

Acting Chairman.

COPY.

Muskogee, Indian Territory, January 15, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mourning Hobson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 30, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Mourning Hobson, et al.,	M.C.R. 5470
Cornelius Hobson, et al.,	M.C.R. 5471
Sanders Singleton,	M.C.R. 5473

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nation have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

Through the
Commissioner of Indian Affairs.

T. B. [illegible]

Commissioner in Charge.

Enc. M.C.R. 5470

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land
3973-1903. May 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for departmental action record of the Commission to the Five Civilized Tribes in the matter of the application of the following parties for identification as Mississippi Choctaws wherein a decision adverse to their claims was rendered by the Commission on December 30, 1902, Mourning Hobson, Mary Hobson, Cornelius Hobson, Henderson, Richard, John, James and Pearl Hobson, and Sanders Singleton.

The record in this case shows that applicants base their claims to a right to identification as Mississippi Choctaws on their descent, from Charity Singleton nee Buchanan, who they claim was a citizen of the Choctaw Nation in Mississippi in 1830, and was a member of a family who received benefits under the 14th article of the Choctaw treaty.

The Commission rejects the parties for the reason that it appears that the principal applicants, Mourning Bobson and Sanders Singleton, were born of a slave mother prior to the Emancipation Proclamation and were themselves slaves, and that the other applicants are lineal descendants of the said Mourning Hobson and that it does not appear from the records in the possession of the

Commission that any one of said applicants have ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by decree of the United States Court in the Indian Territory under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), also for the reason that it is the opinion of the Commission that under the provisions of the law no freedman is intitled to identification as a Mississippi Choctaw.

An examination of the records of this office has been made with reference to the names of Charity Buchanan and Charity Singleton, and it is found that neither of these names appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. There was a reservee under the 14th article of the Choctaw treaty who received land, named Charles Buchanan, had two children under 10 years of age in 1830, but this office has not the names of these children. He received a patent for fractional section 17; the N. half of fractional section 20, the SE/4, and the E. half of SW/4 of section 18, all in T. 21 N. R. 1 W., in Le Flore County, Mississippi.

While it is claimed that Charity Buchanan had at some time lived in Mississippi, the testimony shows that she was in Alabama within a few years after 1830, over 300 miles distant from the

location of the home of Charles Buchanan. According to her age as given by the witnesses it is evident that she was not a minor in 1830, and could not have been in any event one of these children of Charles Buchanan under 10 years of age. So I am led to conclude that the similarity of the names is a mere circumstance that is entitled to condideration but the other elements in the case preclude all possibility that the Charles Buchanan under whom these applicants claim could have been in any way related to Charles Buchanan, the reserves under the 14th article of the Choctaw Treaty. I, therefore, recommend that the decision of the Commission in so far as it rejects the applicants be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

EBH-R.

WCF
HAF

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

D. C. 15254
YTD 4450-1903.
IRS.

May 20, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 15, 1903, the Commission transmitted the consloidated case involving the applications for identification as Mississippi Choctaws, of Mourning Hobson and her minor child, Mary Hobson; of Cornelius Hobson and his minor children, Henderson, Richard, John, James and Pearl Hobson; and of Sanders Singleton. By decision dated December 30, 1902, you refused the a applications.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Charity Singleton (nee Buchanan), through her son, Arthur Singleton, father of the principal applicants, it being alleged that they were Choctaw Indians and residents of Mississippi at the time of signing said treaty.

The evidence fails to show that Charity Singleton (nee Buchanan) or Arthur Singleton complied or

attempted to comply with the provisions of article 14 of the treaty of 1830 or with the subsequent acts of Congress relating thereto. The records of the Indian Office fail to show that either of said ancestors complied or attempted to comply with the provisions of said article or acts. There was a Charles Buchanan who received land under article 14 and who had two children under ten years of age in 1830. From the evidence of the witnesses concerning the age of Charity Singleton (nee Buchanan), the Department is of the opinion that she could not have been a descendant of said Charles Buchanan.

Reporting May 14, 1903, the Acting Commissioner of Indian Affairs recommends that your action in rejecting the applicants be approved.

The Department affirms your decision in so far as it rejected the applicants. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(SIGNED) THOS RYAN
Acting Secretary.

1 inclosure.

M.C.R. 5470.

COPY.

Muskogee, Indian Territory, July 11, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mourning Hobson, et al., of which decision you were advised by mail on the 30th day of December, 1902.

Respectfully,

T. B. Needles.

Commissioner in Charge.

M.C.R. 5470.

COPY.

Muskogee, Indian Territory, July 11, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mourning Hobson, et al., of which decision you were advised by mail on the 30th day of December, 1902.

Respectfully,

T. B. Needles.

Commissioner in Charge.

M.C.R. 5470.

COPY.

Muskogee, Indian Territory, July 11, 1903.

Mourning Hobson,

Greensboro, Alabama.

Dear Madam;

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mourning Hobson, et al., of which decision you were advised by registered mail on the 30th day of December, 1902.

Respectfully,

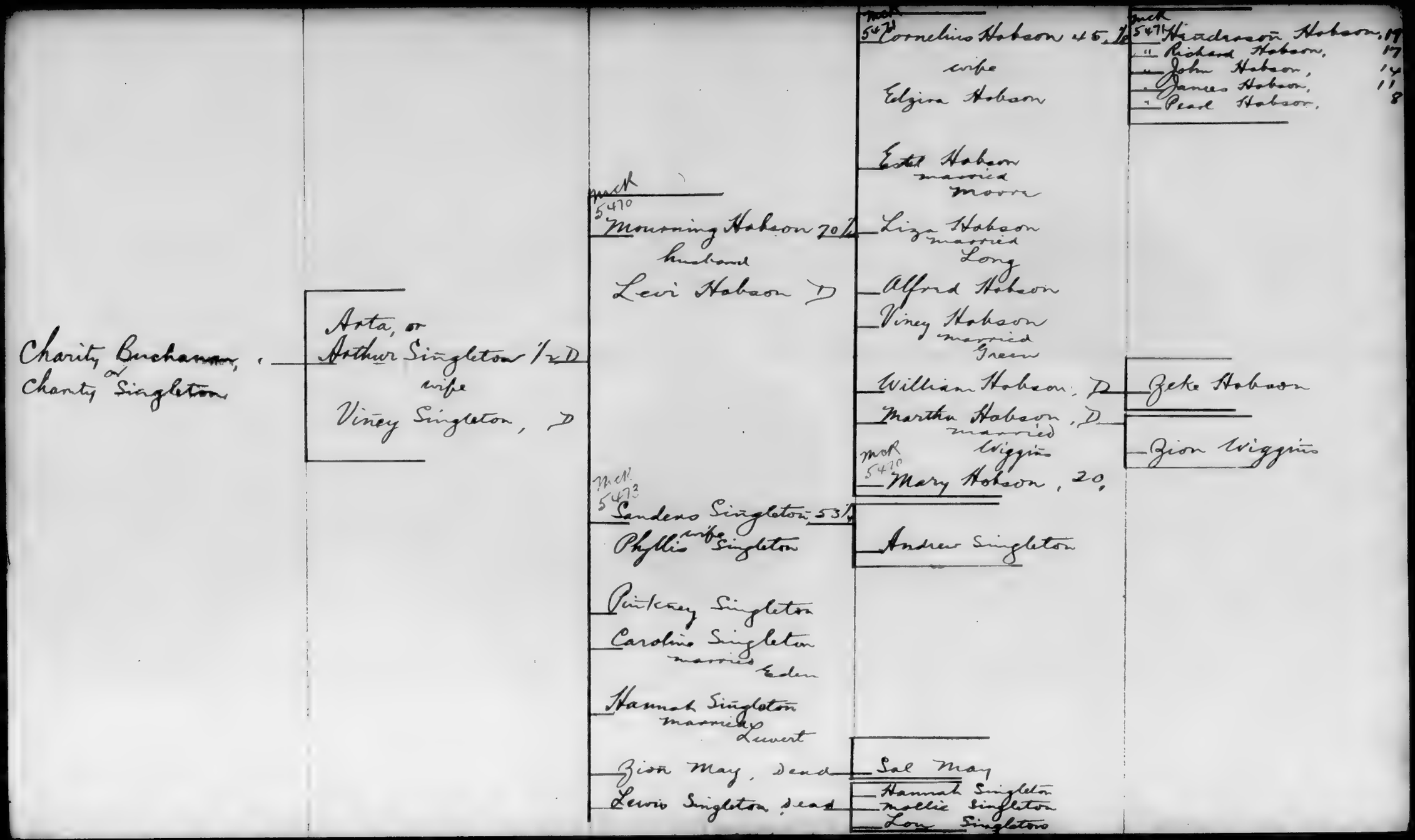
T. B. Needles.

Commissioner in Charge

REFER TO M. C. R. 5470

Mrs. Hobson

Consolidated


Charity Buchanan, or Charity Singleton
Arta, or Arthur Singleton 1/2 D
wife
Viney Singleton, D
mck 5470
Mourning Hobson 20 1/2
husband
Levi Hobson D
mck 5470
Sanders Singleton 53 1/2
Phyllis wife Singleton
Pinkney Singleton
Caroline Singleton
married Eden
Hannah Singleton
married Lewert
Zion May, dead
Lewis Singleton, dead
mck 5470
Cornelius Hobson 45 1/2
wife
Edzina Hobson
Estel Hobson
married Moore
Liza Hobson
married Long
Alford Hobson
Viney Hobson
married Green
William Hobson, D
Martha Hobson, D
married Wiggins
mck 5470
Mary Hobson, 20,
Andrew Singleton
Sal May
Hannah Singleton
Mollie Singleton
Lon Singleton
mck 5471
Henderson Hobson, 19
Richard Hobson, 17
John Hobson, 14
James Hobson, 11
Pearl Hobson, 8
Zeke Hobson
Zion Wiggins

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 28 1902

Name Mourning Hobeon

Age 70 Blood 1/4

Post-Office. Greensboro, Ala.

Father: Arthur Singleton d

Mother: Viney " d

Claims through father

For all of his one child

Children:

Mary Hobeon 20

Fathers mother Charity Buchanan d

Stenographer I. I. Niles

Choctaw MCR 5471

Corneluis Hobson

See MCR 5470

MCR 5471

5478

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 28, 1902.

In the matter of the application of Cornelius Hobson for the identification of himself and five minor children, Henderson, Richard, John, James and Pearl, as Mississippi Choctaws.

Said Cornelius Hobson, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Cornelius Hobson.
Q How old are you? A I'm going on forty-six.
Q How much Choctaw blood have you? A About an eighth.
Q What's your postofficeaddress? A Greensboro, Alabama, Hale County.
Q How long have you lived in Hale County, Alabama? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Levi Hobson.
Q Is your mother living? A Yes sir.
Q What's her name? A Mourning Hobson.
Q Is she the Mourning Hobson who just appeared before the Commission here today? A Yes sir.
Q Were you a slave? A I was only in slavery a little when I was small.
Q You were born in slavery? A Yes sir.
Q Through which one of your parents do you get your Choctaw blood? A My mother.
Q Your father had none? A No sir.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q What's her name? A Elzira Hobson.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q Have you been married more than once? A Just one time.
Q Has she been married more than once, A No sir, just once.
Q Have you any children living, A Yes sir, five.
Q What are their names and ages? A Henderson.
Q How old? A He's nineteen, going on twenty.
Q Next one? A Richard.
Q How old? A Seventeen.
Q Next one, A John.
Q How old? A Fourteen.
Q Next one, A James.
Q How old is he? A Eleven years old.
Q Next one? A Pearl.
Q How old, A She's eight years old.
Q Is that all? A Yes sir.
Q Are these children all living with you at this time? A Yes sir.
Q Are they all the children of yourself and Elzira Hobson? A Yes sir.
Q Were you married to her under a license? A Yes sir.
Q When? A Since the surrender.

Q You don't know just when? A I married in '77,I think it was.
Q Where were you married to her? A In Hale County.
Q Alabama? A Yes sir.
Q Who married you? A A minister by the name of Abernathy.
Q Have you your license with you at this time? A No sir.

It willbe necessary for youto furnish the Commission with proper evidence of your marriage to your wife Elzira for use in connection with the application you makein behalf of your minor children. This evidence should be furnished within thirty days from this date.

Q This application is for yourself and five minor children? A Yes sir.
Q Has any application of any description ever been made before today for you or anyof these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under the 14th article of the treaty of Dancing Rabbit Creek,do you? A Yes sir.
Q Do you understand that 14th article? A No sir,I don't understand that.

The treaty of Dancing Rab it Creek was entered into here in Mississippi on the 27th day of September,1830,between the United states Government and the Choctaw Tribe of Indians. At thetime this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississi ppi and Alabama to a new country west of the Missi ssippi River,part of which is nw occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty; that 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out to the new nation west of the Mississippi River might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desireus to remain and become a citizen of the states shall be permitted to do so by signifying his intentioon to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land,to be bounded by sectional lines of survey; in like manner shall be

entitled to one half that quantity for each unmarried child which is living with him over ten years of age;and a quarter section for such child as may be under ten years of age,to adjoin the location of the parent. If they reside upon said land,intending to become citizens of the States,for five years after the ratification of this treaty,in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who clim under this article shall not lose th prifilege of a Choctaw citizen but if they ever remove are not to be entitled to any portionof the Choctaw annuity."

Q Do you understand that 14th article now? A Yes sir.
Q Did any of yourancestors ever comply or attapt to comply with the provisions of that 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereuhder? A No sir,not as I knows of.
Q Through which one of her parents did your mother get her Choctaw blood? A From her father.
Q What was his name? A Arta Singleton.
Q How much Choctaw blood did he have? A I don't know how much he had--I reckon he was half.
Q Did you ever see him? A Yes,I seed him.
Q Where did he live during his life time? A He lived when I knowed him down here in Hale County.
Q Do you know where he lived before your birth? A No sir.
Q Through which one of his parents did he get his Choctaw blood?
A He got it from his mother.
Q What was her name? A Charity.
Q Charity what? A Charity Buchanan.
Q Do you know the names of her parents? A No sir.
Q Did you ever see her? A No sir.
Q You have heard th entire examination of your mother here today,did you not? A Yes sir.
Q Do you know anything more with reference to a compliance on the part of your ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek than what is disclosed by her testimony? A No sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir,I don't.
Q Have you any witnesses here today to testify in your behalf?
A No sir.
Q Have you any written evidence of any kind to offer in support of your application? A I desire to have the affidavits filed in my mother's case considered in my case.
Q That's all,is it? A Yes sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q Have you any children dead? A No sir.
Q How many brothers have you living? A One.
Q What's his name? A Alfred Hobson.
Q Has he been before the Commission? A No sir.
Q Where does he live? A He stays in Greensboro,Alabama.
Q Have you any brothers dead? A yes sir.
Q How many? A One dead.
Q What was his name? A William Hobson.
Q Did he leave any children? A Yes sir.
Q Are any of his children living now? A Yes sir.
Q How many? A One.
Q What's that child's name? A Zeke Hobson.
Q Where does he live? A Greensboro,Alabama.
Q Has any application been made in his behalf to this Commission? A No sir.
Q Have you any sisters dead? A Yes sir.
Q How many? A Got two dead.
Q Did either of them leave children? A Yes sir.
Q One of them or both of them? A Bothof them left children but the children of both of them,exousing one,are dead.
Q What's the name of that boy? A Zion Wiggins.
Q Has he been before this Commission? A No sir,not as I knows of.
Q Where does he live? A I don't know,sir--he lives in Hale County but I don't know where.
Q What was his mother's name? A Martha Wiggins.

The applicant has the appearanceof being a full blood negro; shows no indications of being possessed of Indian blood; does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi,April 28,1902,and that the above and foregoing is a full true and correct transcript of his stenographic notes taken in said proceedings on saiddate.

Ira S. Niles

Subscribed and sworn to before me this the 10th,day of May,1902, at Muskogee,Indian Territory.

Charles K. Sampson

Notary Public.

5471

Miss.Choctaw ~~R5741~~

Muskogee, Indian Territory, July 11,1902.

Cornelius Hobson,

Greensboro, Alabama,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 1, inclosing certified copy of marriage license and certificate between Cornelius Hobson and Eliza Fisher, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in your case.

Yours truly,

Acting Chairman.

M.C.R. 8471.

Muskogee, Indian Territory, August 27, 1902.

Cornelius Hobson,

Greensboro, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th inst., in which you ask to be informed of the present status of the cases of Mourning Hobson, Cornelius Hobson, Sanders Singleton and Will Thomson, whom you state are applicants to this Commission for identification as Mississippi Choctaws.

In reply, you are informed that it appears from the records of the Commission that Mourning Hobson is an applicant for the identification of himself and his minor child as Mississippi Choctaws; that Cornelius Hobson is an applicant for the identification of himself and five minor children as Mississippi Choctaws; and that Sanders Singleton is an applicant for identification as a Mississippi Choctaw.

No decision has yet been reached nor opinion rendered relative to the right of these persons to be identified as Mississippi Choctaws. The Commission is now considering their applications and it is probable that a decision will be rendered in the near future.

They will be duly notified of the action of the Commission, and of the forwarding of the record to the Secretary of the Interior for review.

It does not appear from the records of the Commission that any person by the name of Will Thomson is an applicant for identification as a Mississippi Choctaw. The records of the Commission, however, show that William M. Thomas, age 35, residence Greensboro, Alabama, is an applicant for identification as a Mississippi Choctaw, having presented such application at the office of the Commission at Meridian, Mississippi, on April 30, 1908.

No decision has yet been reached nor opinion rendered relative to the right of this person to be identified as a Mississippi Choctaw. When a decision is rendered, he will be duly notified thereof, and of the forwarding of the record to the Secretary of the Interior for review.

If this is not the identical person of whom you make inquiry, and you will advise the Commission when, where, and under what name he made application, and such other information as may enable the Commission to identify him as an applicant, the matter will receive further consideration.

Yours truly,

Acting Chairman.

M.C.R. 5471

COPY.

Muskogee, Indian Territory, December 30, 1902.

Cornelius Hobson,

Greensboro, Alabama.

Dear Sir:

You are hereby advised that on the 30th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mourning Hobson, et al., embracing the following applications for identification as Mississippi Choctaws:

Mourning Hobson, et al.,	M.C.R. 5470
Cornelius Hobson, et al.,	M.C.R. 5471
Sanders Singleton,	M.C.R. 5473

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mourning Hobson, Mary Hobson, Cornelius Hobson, Henderson Hobson, Richard Hobson, John Hobson, James Hobson, Pearl Hobson and Sanders Singleton as such should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED: Frank Pierce

Acting Chairman.

Registered.

M C R 5471

Muskogee, Indian Territory, January 6, 1903.

Cornelius Hobson,

Greensboro, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, in which you ask to be advised the present status of your case.

In reply to your letter you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws. The Commission on December 30, 1902, rendered its decision refusing your application and on the same date you were notified by registered mail of the action of the Commission and that you were allowed fifteen days from the date of said decision within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior.

The fifteen days heretofore granted will expire on January 14, 1903, and on January 15, 1903, the record in your case, together with such arguments as may be offered, will be forwarded to the Secretary of the Interior.

Respectfully,

Acting Chairman.

M C R 8471

Muskogee, Indian Territory, January 14, 1903.

Cornelius Hobson,

Greensboro, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th ult., received by the Commission this date, in which you ask to be advised of the present status of your case.

In reply you are informed that it appears from the records of the Commission that you made application for the identification of yourself and minor children as Mississippi Choctaws, and that the Commission on December 30, 1902, rendered its decision refusing your application, and on the same date you were notified by registered mail of the action of the Commission and that you were granted fifteen days from the date of said decision within which to file arguments in support of your claim, to be forwarded to the Secretary of the Interior. The fifteen days heretofore granted you within which to file such arguments will expire on January 14, 1903. On January 15, 1903, the record in your case together with such arguments as may be filed will be forwarded to the Secretary of the Interior. You will be notified of such action as may be taken by him.

Respectfully,

Commissioner in Charge.

M.C.R. 8471.

COPY.

Muskogee, Indian Territory, July 11, 1903.

Cornelius Hobson,

Greensboro, Alabama.

Dear Sir:

you are hereby notified that on the [illegible]th day of May, [illegible] the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mourning Hobson, et al., of which decision you were advised by registered mail on the 30th day of December, 1902.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Date FEB 28 1902

Name Cornelius Hobson

Age 45 Blood 1/8

Post-Office, Greensboro, Ala.

Father: Levi Hobson d

Mother: Mourning " d

Claims through mother.

wife Elzira Hobson d
no claim for wife

For self and 5 children.

Children:

Henderson	Hobson	19
Richard	"	17
John	"	14
James	"	11
Pearl	"	8

Stenographer J. J. Niles

Choctaw MCR 5472

Nora J. Lancaster

MCR 5472

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nora J. Lancaster, et al., for identification as Mississippi Choctaws, M. C. R. 5472.

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

	Page.
Original application of Nora J. Lancaster for enrollment as a Choctaw by blood, before the Commission, June 13, 1900.	1
Sworn petition of Nora J. Lancaster in support of application.	3
Affidavit of J. Zumwer in support of application.	8
Decision of the Commission refusing the application of Nora J. Lancaster for enrollment.	9
Copy of letter of Commission to Nora J. Lancaster, transmitting above decision.	10
Registry receipt.	11
Letter of Nora J. Lancaster to the Commission, requesting that her case be forwarded to the Honorable Secretary of the Interior.	12
Notice of the Commission to Nora J. Lancaster.	13
Return registry receipt of Nora J. Lancaster.	15
Affidavit of Nora J. Lancaster in support of her application, corroborated by Kinney N. Tidwell and Jesse Zumwer.	14
Copy of letter of Commission to Nora J. Lancaster, notifying her to appear before the Commission in person.	17

Return registry receipt of Nora J. Lancaster. 19

Original application of Nora J. Lancaster, et al., for identification as Mississippi Choctaws. 20

Decision of the Commission refusing the application of Nora J. Lancaster, et al., for identification as Mississippi Choctaws. 27.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 13, 1900.

In the matter of the application of Nora J. Lancaster for enrollment as a Choctaw by blood; being sworn and examined by Acting Chairman Sixby she testifies as follows:

Q What is your name? A Nora J. Lancaster.
Q What is your age? A Twenty-three.
Q What is your post-office address A Rush Springs, I.T.
Q When did you first take up your residence at Rush Springs?
A It has been three years ago.
Q You lived there continuously ever since? A Yes sir.
Q Where did you live before that? A I lived in Kansas; I have been living in the Territory seventeen years.
Q How long did you live in Kansas? A I was small when I came from Kansas.
Q You have been living in the Territory continuously for seventeen years? A Yes sir.
Q Haven't you been out of the Territory for seventeen years?
A No sir.
Q What is the name of your father? A Jesse Zarmer.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian or a White man? A White man.
Q What is the name of your mother? A Mary Josephine Reams before she was married.
Q Is she living? A No sir, she is dead.
Q Was she a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood did she claim to have?
A Quarter.
Q Was her name ever on the Choctaw Tribal rolls? A No sir.
Q Was she ever recognized by the Choctaw Tribal authorities as a Choctaw Indian? A No sir.
Q What proportion of Choctaw Indian blood do you claim to have?
A One-eighth.
Q Has your name ever appeared on the Choctaw Tribal rolls?
A No sir
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir.
Q Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply at the Dawes Commission in 1896? A No sir.
Q Is this your first application? A Yes sir.
Q Are you married? A Yes sir.
Q Do you make any claim for your husband? A No sir.
Q He is a white man? A Yes sir.
Q Have you any children? A Yes sir.
Q What is the name of your husband? A Thomas Lancaster.
Q Under what law did you marry him? A United States.
Q Where? A Chickasha.
Q When? A It has been threeyears ago.
Q Do you claim that your children are Choctaws by blood?
A Yes sir.
Q What are their names and ages? A Bertha Lenier Pope, five years old; that is a child by my first husband; the other one is named Thomas Harrison Lancaster.
Q What is the name of the father of the Pope child? A John Pope.
Q Where did you marry him? A In the Chickasaw Nation, Paul's Valley, under the United States law.
Q Is that all the children you have got? A This baby, seven monthsold, his name is William Alexander Lancaster.
Q Is there any additional statement in regard to your case that you would like to make at this time? A No sir, not now.
Q Have you any papers that you desire to file in this case?
A No sir.

If you desire to do so you will be permitted to file additional evidence in the form of statements, affidavits or other proper papers. This testimony in this case, and such other papers as you may be pleased to file with this Commission will be transmitted to the Honorable Secretary of the Interior for his examination and consideration under the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

The enrollment of yourself and your children is refused, for the reason that your names do not appear upon the tribal rolls of the Choctaw Nation now in the possession of this Commission, and for the additional reason that it does not appear from the testimony and the records that either you or your children have ever been recognized by the properly constituted authorities of the Choctaw Nation as Choctaw Indians by blood and for the additional reason that xxx neither you nor your children were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the law of June 10th, 1896, or by a judgment of the United States Court in the Indian territory.

F.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said case.

F.D.Green

Subscribed and sworn to before me this 18 day of June 1900.

Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 3, 1902.

M C - 5472 -

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In the matter of the application of Nora J. Lancaster for identification of herself and her four minor children, Bertha L. Pope, Thomas Henry Lancaster, William Alex Lancaster, and Silas Lancaster, as Mississippi Choctaws.

Applicant was represented by Attorney, L. P. Hudson.

Nora J. Lancaster, after being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Nora J. Lancaster.
Q. How old are you? A. I will be twenty-five in August; I am now twenty-four.
Q. What is your post-office? A. Rush Springs, Ind. Ter.
Q. Have you made application before this time to the Commission to the Five Civilized Tribes? A. Yes, sir; I was before it at Colbert, Indian Territory, but I have forgotten when it was. I have not get any recollection at all.
Q. At that time you made application for citizenship for yourself and three minor children, didn't you? A. Yes, sir.
Q. And those minor children were Bertha L. Pope, Thomas Lancaster and William Aleck Lancaster? A. Yes, sir.
Q. You made application as citizens by blood of the Choctaw Nation? A. Yes, sir.
Q. Do you now desire to treat that aplication made at Colbert on June 13, 1900, for enrollment of yourself and three minor children as citizens by blood as canceled, and now make application for the identification of yourself and four minor children as Mississippi Choctaws? A. Yes, sir.

Hereof Attorney for applicants asks that the application made at Colbert, Indian Territory, be allowed to stand, and that it be considered with and taken as a part of the present application, and not be stricken from the records or withdrawn.

It appears from the records of the Commission that Nora J. Lancaster, the applucant here present, is the identical Nora J. Lancaster who, on June 13, 1900, appeared before the Commission at Colbert, Indian Territory, and there made application for the enrollment of herself and her three minor children, Bertha L. Pope, Thomas Lancaster and William A. Lancaster, as citizens by blood of the Choctaw Nation; and that upon her request the said application is hereby canceled and a new application will be made by her for the identification of herself and her said minor children as Mississippi Choctaws; and the motion of her attorney as above set forth that the facts taken and the evidence taken in her said application for enrollment as a citizen by blood of the Choctaw nation be considered in the present application is hereby allowed.

Q. You say you are twenty-four years old? A. Yes, sir.
Q. And your residence is Rush Springs, I. T.? A. Yes, sir.
Q. How long have you lived in Rush Springs? A. Now going on five years.
Q. How long have you lived in Indian Territory? A. Mighty nigh all my life; ever since I was just a child.
Q. What age were you when you first came to Indian Territory? A. A I don't remember.
Q. About how long have you been here ? A. Seveneteen or eighteen years.
Q. Where did you come from to the territory? A. Baxter Springs, Kansas.
Q. Were you born in Baxter Springs, Kansas? A. No, I was born in Kansas, though.
Q. Did you live in Kansas all your life till you came to Indian Territory? A. Yes, sir.
Q How much Choctaw blood do you claim to be possessed of? A. One-eighth; my mother was a quarter.
Q. State the name of your father? A. Jesse Zemmer.
Q. Is he living? A. Y s, sir.
Q. How old is he? A. Between fifty-two and fifty-four.
Q. What is the name of your mother? A. Her name was Mary Josephine Raines before she was married.
Q. Is your mother living? A. No, she died when I was a child.
Q. How old would your mother be if she were living now? A. I can't say.
Q. How old was she when she died? A. I cannot say.
Q. Have you never heard? A. No, the records of the family were burned when our house burned, and I was too young when she died to remember it.
Q. Through which parent do you claim? A. My mother.
Q. How much dod you claim? A. My mother was a quarter.
Q. When was your mother born? And where was she born? A. I don't knowBorn in Mississippi, I reckon.
Q. Where did your mother live prior to living in Kansas? A. I can't tell.
Q. Were your father and mother legally married? A. yes, sir.
Q. Where did they marry A. I can't tell you.
Q. When were they married? A. I don.t know.

Q. How dod you know they were legally married? A. My father said they were; he had the papers and they got burned up with our house.
Q. Where does your father live now? A. At Rush Springs.
Q. Has your mother ever been enrolled or in any way recognized as a citizen of the Choctaw Nation by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A. I don't know; I think she has been.
Q. Did she ever reside in Indian Territory? A. No, sir. She was on her way here when she died.
Q. Are you married? A. Yes, sir.
Q. Is your husband living? A. Yes, sir.
Q. What is the name of your husband? A. Thomas Lancaster.
Q. Is he a white man? A. Yes, sir.
Q. Do you make application also for your husbnad? A No, sir.
Q. Have you any children for whom you desire to make application ? A. I have four.
Q. All under age and unmarried? A. Yes, sir.
Q. Are they living with you? A. They are.
Q. Give me the name of the oldest one? A. Bertha L. Pope.
Q. How old is she? A. She will be seven the 26th of August.
Q. Give me the next one? A. Thomas Henry Lancaster.
Q. How old? A. Four years old.
Q. Give me the name of the next one? A. William Lancaster.
Q. Has he a middle name? A. William Alex Lancaster.
Q. How old is he? A. Two the 24th day of November.
Q. Give me the name of the next child? A. Silas Lancaster.
Q. How old? A. Six months old.
Q. You state that your oldest child is named Bertha L. Pope A. Yes, sir.
Q. Pope was your first husband's name? A. Yes, sir; John Pope.
Q. Is he dead? A. No, sir.
Q. Have you been divorced from him? A. Yes, sir.
Q. Were you divorced before the marriage to your present husband? A. Yes, sir.
Q. Have you any documents by which you can prove this? A. Yes, I have the divorce and license both at home.
Q. Who applied for this divorce? A. I got it.
Q. Who is the father of the other children? A. Thomas A. Lancaster.
Q. Is he your pr esent husband? A He is.
Q. And you are the mother of the four children? A. Yes, sir.
Q. Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territor y? A. No.
Q. Have you ever made application for citizenship for yourself and children in the Choctaw Nation before this time? A. I have in the Chickasaw Nation.
Q. Have you ever made application for citizenship in the Choctaw Nation either to the United States authorities or to the Choctaw tribal authorities, to the United States Court or to the Indian court or tothe Choctaw Council? A. No, sir.
Q. Have you ever made application to the Commissio to the Five Civilized Tribes under the act of Congress of June 10, 1896? A. No, sir.
Q. Have you or your minor children ever been admitted to citizenship in the Choctaw Nation, by the Choctaw tribal authorities, by the Commission to the Five Civilized Tribes or by the United States Court in Indian TerritoryA. No, sir.
Q. Have you ever before this time made application for enrollment either to the tribal authrotiea of the Choctaw Nation or to the United States authorities? A. Only at Colbert.

Q. That is the application that you have just now withdrawn, is it not? A. Yes, sir.
Q . That is the only one you have made? A. Yes, sir.
Q. Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws? A. Yes, sir.
Q. You want to be identified as Mississippi Choctaws claiming rights under article fourteen of the treaty of 1830 A. Yes, sir.
Q. Do you understand that article? A. No, sir.
Q. Have you ever had it read to you? A. No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Tribe of Indians at a place in the state of Mississippi called Dancing Rabbit Creek. It was entered into on the 27th day of September, 1830, and was made for the purpose of removing as far as possible all those Choctaw Indians who were then residing in the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in Indian Territory, which is the present Choctaw Nation. Before the treaty was signed it became known that a great many Choctaw Indians did not want to remove and it would be impossible for the treaty to be signed under those conditions, for some provisions would have to be made for those who refused to go. Article fourteen was then drawn up and inserted in the treaty for the protection of those who desired to stay.

It readsas follows:

"Each Choctaw head of afamily being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of sruvey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over ten years old and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. Do you think you understand that article of that treaty as read to you? A. I understand part of it.
Q. Is there any part you would like explained further to you? AA. I don't know.

I will give you this further explanation. Article fourteen required that in case the Choctaw Indians living in Mississippi at that time and who remained there and received lands from the government, should go within six months after the treaty was signed to the United States Indian Agent, Col. Ward, and tell him that they wanted to stay, take lands and become citizens of the States. After he had put their names on his list they were entitled to a reservation of 640 acres of land for each head of a family, half that much for each unmarried child over ten years of age and one-fourth that much for each child under ten ten years of age.

Q. Do you think

Q. Do you understand that article now? A. I think so.
Q. Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A. My mother was on the road to Indian Territory when she died.
Q. Did any of your ancestors comply with the provisions of this article fourteen which I have just read to you? A. Not that I know of.
Q. Did any of them go to Col. Ward and signify their intention of remaining in Mississippi and becoming citizens? A. Not that I know of.
Q. Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi at that time when the treaty of 1830 was made? A. My connection was but I can't tell who they were.
Q. Can you tell what ancestors you had living in Mississippi in 1830? A. Reams or Raines is all I know of.
Q. You claim through your mother. A. Yes.
Q. What was her name? A. Mary Joseph Reemes.
Q. Whom did your mother claim to derive her blood from? A. Her mother.
Q. What was her moter's full name? A. I can't tell you.
Q. Have you never heard your father or mother speak of your grandmother? A. Her mother died when she was a child.
Q. Did herfather marry again? A. Yes, married a white woman.
Q. Then you don't know of any of your ancestors who lived in Mississippi in 1830? A. None but Reemes.
Q. You don't know whether you had any ancestors living in Mississippi and the head of a family in 1830 A. Nothing more than I have heard father say. He said my grandmother was living in Mississippi, and he knew her. No, I will take that back; she died whn mother was a child and he never knew her.
Q. Then you are unable to trace your ancestry back further than your mother? A. Yes, sir.
Q. Your mother died some 15 or 16 years ago? A. Yes, sir.
Q. What year? A. In 1882 or 1883, I think.
Q. Can you give some idea as to how old she was when she died in 1882 or 1883? No.
Q. Have you ever heard your father say? A. No.
Q. Did any of your Choctaw ancestos own any improvements on any lands in the old Choctaw Nation in Mississippi in 1830? A. I don't know.
Q. Did any of them move from the old Choctaw Nation in Indian Territory at the time of the general removal of the Choctaws in 1833 to 1838? A. Not that I know of.
Q. Did any of your ancestors within six months after the treaty of Dancing Rabbit Creek was ratified go to Col. Ward, the U. S. Indian Agent and tell him that thy wanted to remain and take lands and become citizens of the States? A. I don't know.
Q. Did any of your ancestors claim or receive any lands under article fourteen of the treaty of Dancing Rabbit Creek? A. I don't know.
Q. The Choctaw Indians who remained in Mississippi and wanted any benefits of the fourteenth article were requi red to go to the Indian Agent and claim those benefits--? A. That is where my mother had started when she died.

They were required to go to Colonel Ward, the U. S.

Indian Agent, and signify their intention to stay, take lands and become citizens of the states. A great many Choctaw Indians did this whose names Colonel ward failed to put upon his list known as "Ward"s Register." His neglect to do this caused a good many Indians in Mississippi to lose both their lands and improvemnts, for both were taken from them and sold by thwe Government. This caused many complaints among the Indians, and finally their complainst reached washington; and congress, by an act of march 3, 1837, appointd a commission whcih went to Mississippi and heard claimants under articlefourteen of the treaty of 1830. In 1842 another commission was appointd for the same purpose; and this commission alsso went to Mississippi and heard claimants under article fourteen of the treaty of 1830. Both commissions made lists of such names as appeared before them.

Q. Did any of your Choctaw ancestors go before either of these commissions and claim benefits under article fourteen of the treaty of 1830?? A. I don't know.

Those who had had lands taken from them by the Government and sold were given certificates which entitled them to take lands in Mississippi, Alabama, Louisiana and Arkansas in place of those lands which had been taken from them and sold. These certificates given them were callled scrip, and was issued under the act of Congress of August 23, 1842.

Q. Did any of your Choctaw ancestors receive any of this scrip?
A. I cannot say.
Q. As far as you know were any of your ancestors ever recoznized as Choctaw Indians by the tribal authorities in Mississippi?
A. My grandmother was.

Q. You say she was recognized? A. I can't tell much about it, I don't recollect nothing about it.
Q. By whom was she recognized? A. I have just heard my father talk about it, and I don't know.
Q. Have you any evidence to show that she was recognized as a Choctaw Indain in Mississippi or Alabama in 1830? A I have none.
Q. As far as you know did any of your Choctaw ancestors receive any benefits whatever as Choctaw Indians. Not that I know of.
Q. Have you any witnesses whom you want to introduce before the commission to testify in support of your claim? A. No, sir.
Q. Do you know of any wtinesses who would be able to support this applicationfor the identification of yourself and children?
A. A. Mr. Tisdale knew my mother.
Q. Where is he? A. He is here
Q. Can you show by any witnesses that any of your ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A. I don't know.
Q. Have you any written or documentary evidence of any kind to file today? A. Not here.

Hereof attorney for applicant asks leave to file written evidence in support of this claim.

Q. Have you any relatives who have applied here to be identified as Mississippi Choctaws? A. No, sir.
Q. Do you understand or speak the Choctaw language? A. No, sir.
Q. Is there anything further you wish to state at this time in suport of this application? A Not that I know of.

This applicant has the appearance and physical characteristics of being descended from white parentage, showing a strain of some other blood in which the Commission is unable to determine at this time , but which she claims as Choctaw. She has straight, black hair, bluish grey eyes, and medium fair complexion, and high cheek bones. She does not understand or speak the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830. She cannot trace her ancestry back by name any further than to her mother, though she states her grandmother was possessed of Choctaw blood, but she cannot give the name of her grandmother.

S. A. Apple, being duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 3, 1902; and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

S A Apple

Subscribed and sworn to before me this 8th day of May, 1902.

Charles H. Sawyer

Notary Public.

G.A.L.
C.O.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nora J. Lancaster, et al., for identification as Mississippi Choctaws, M.C.R. 5472.

---DECISION---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Nora J. Lancaster for herself and her four minor children, Bertha L. Pope, and Thomas Henry, William Alex and Silas Lancaster, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Mary Reams, who is alleged to have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1898 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Beams, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nora J. Lancaster, Bertha L. Pope, Thomas Henry Lancaster, William Alex Lancaster and Silas Lancaster as Choctaw Indians entitled to rights

3.

in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Muskogee, Indian Territory,

DEC 4 1902

R.582

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nora J. Lancaster for enrollment of herself and three minor children as citizens by blood of the Choctaw Nation.

The applicant, Nora J. Lancaster, appeared before the Commission at Colbert, Indian Territory, June 13th, 1900, and from her oral testimony given at that time on behalf of her claim for enrollment of herself and minor children, Bertha L. Pope, Thomas and William A Lancaster, as citizens by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

The application for enrollment as citizens by blood of the Choctaw Nation of Nora J. Lancaster and her minor children, Bertha L. Pope, Thomas and William A. Lancaster, is therefore hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, Sept. 5th, 1900.

Muskogee, Indian Territory, September 14, 1900.

Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 11th instant, enclosing the written request of Nora J. Lancaster to have the record in the matter of her application for the enrollment of herself and of her children as citizens by blood of the Choctaw Nation, forwarded to the Secretary of the Interior for his consideration.

You are informed that the same has been made a matter of record and this case will be forwarded to the Secretary of the Interior for his consideration when the final rolls of citizens of the Choctaw Nation are sent to him for review.

Yours truly,

Acting Chairman.

7-R-582

Muskogee, Indian Territory, March 7, 1901.

Thomas H. Lancaster,

Rush Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th of February addressed to the Honorable Secretary of the Interior, Washington, D. C. and by him referred to this Commission for consideration and appropriate action.

In your letter you desire to be informed if there have been submitted to the Secretary of the Interior for his consideration either by this Commission or by an attorney, the applications for enrollment as members of the Choctaw Tribe of Indians of Nora J. Lancaster and her three children and K. M. Tidwell.

Replying to your letter the Commission has to inform you that it appears from our records that on June 13th, 1900, Nora J. Lancaster, 23 years of age, appeared before the Commission and made application for the enrollment of herself and her three minor children, Bertha L. Pope, and Thomas and Wm. A . Lancaster, as citizens by blood of the Choctaw Nation.

The Commission upon the personal appearance of Nora Lancaster and a consideration of the oral testimony offered by her at that time and an examination of the records of the Choctaw Nation and of the Commission, rendered the following decision:

"The enrollment of yourself and your children is refused for the reason that your names do not appear upon the tribal rolls now in the possession of this Commission and for the additional reason that it does not appear from the testimony and the records

that either you or your children have ever been recognised by the properly constituted authorities of the Choctaw Nation as Choctaw Indians by blood and for the additional reason that neither you nor your children were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the law of June 10th, 1896 or by a judgment of the United States Court in Indian Territory."

On September 5th, 1900, there was mailed to Nora J. Lancaster at Rush Springs, Indian Territory, a copy of the Commission's decision refusing the application for enrollment of herself and her children as citizens of the Choctaw Nation.

On September 13th, 1900, the Commission was in receipt of request of Nora J. Lancaster to have her case presented to the Honorable Secretary of the Interior "when the final rolls of the Choctaw Nation are passed upon and approved by him." In accordance with the request of Nora Lancaster the records in this case will be forwarded to the Secretary of the Interior when the final rolls of citizens of the Choctaw Nation are sent to him for approval.

We cannot inform you with any degree of accuracy at this time as to the forwarding of the roll of the citizens of the Choctaw Nation but the Commission is of the opinion that under no circumstances would the Department receive or consider the record in this case prior to the submission of such final rolls.

It does not appear from our records that any application has ever been made for enrollment as a citizen ofthe Choctaw Nation by any person by the name of K. H. Tidwell but at Calvin, Indian Territory, in August, 1899, Milo F. Tidwell, 42 years of age, appeared before the Commission and made application for enrollment as a citizen by blood of the Choctaw Nation. The enrollment of this applicant was at that time refused for the reason that his name did not appear upon any of the tribal rolls of the Choctaw Nation

T H L 3

in the possession of the Commission and for the further reason that he had not been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Commission to the Five Civilized Tribes acting under the law of June 10th, 1896 or by the United States Court in Indian Territory on appeal.

The record in this case will also be forwarded to the Secretary of the Interior when the final rolls of citizens of the Choctaw Nation are sent to him for approval.

You further desire to be informed in your letter, if a white man who has an Indian wife has a right to homestead land when the same is opened for settlement.

The Commission is led to believe that you desire information relative to the settlement of the Kiowa and Comanche country in Oklahoma. The proper person for you to address with reference to such matter would be the United States Allotting Agent who has charge of this work.

Yours truly,

Acting Chairman.

7-R-304

7-R-582

Muskogee, Indian Territory, October 16, 1901.

Mrs. Nora J. Lancaster,

Rush Springs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you desire to be informed if any papers have been filed with the Commission in the matter of the application for the enrollment of yourself and children as citizens by blood of the Choctaw Nation.

You are informed that the record in this case shows in addition to your testimony at the time of your personal appearance at Colbert, Indian Territory, June 13, 1900, the written petition of Nora Lancaster of the 6th of March, 1900, also the affidavit of J. Zemmer, and a notice from Hudson & Arnold, attorneys for the applicant, desiring to have this case presented to the Secretary of the Interior for his consideration.

Referring to the latter part of your letter in which you give the names of certain persons, it will be necessary to state more specifically the information you desire, also the full names of the parties concerning whom you desire this information.

Yours truly,

7-R 582

Acting Chairman.

Choctaw R 582

Muskogee, Indian Territory, April 1, 1902.

Nora J. Lancaster,

Rush Springs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your telegram of this date, requesting copy of the treaty of 1830 between the United States and the Choctaw Nation.

You are informed that we have no copies of this treaty for distribution .

It is presumed your request is occasioned by reason of our communication to you, dated March 12, 1902, in which you were advised that you would be allowed thirty days from the date thereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that you and your minor children are entitled to be identified as Mississippi Choctaws under the act of Congress of June 28, 1898, and you are advised that the fourteenth article of the treaty of 1830, referred to in the act of Congress of June 28, 1898, is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent, within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty

acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which may be living with him over ten years of age; and a smaller section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, and then prove, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

Yours truly,

Commissioner in Charge.

Choctaw R 582

Muskogee, Indian Territory, April 9, 1902.

Nora J. Lancaster,

Rush Springs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you state that you enclose a statement in your case and ask if you would have to go to the Choctaw Nation to select your home if you should be enrolled.

Replying to your letter you are advised that there was no statement enclosed in such letter, and that matters pertaining to the allotment of the lands of the Choctaw and Chickasaw Nations will be given attention by the Commission upon the establishment of an allotment office in the Choctaw-Chickasaw country for the purpose of allowing the citizens of these two tribes to make selection of and file upon their prospective allotments.

Yours truly,

Commissioner in Charge.

Choctaw R 582

Muskogee, Indian Territory, April 16, 1902.

Nora J. Lancaster,

Rush Springs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 13th instant, requesting that you be informed if a statement forwarded by you has been received by the Commission.

Replying to your letter you are informed that on April 10, 1902, there was received your affidavit corroborated by Kinney M. Tidwell and Jessie Zemmer, which was duly filed with the records of the Commission, and you were duly notified of the receipt and filing of the same on April 10, 1902.

Yours truly,

Acting Chairman.

Choctaw R 582

Muskogee, Indian Territory, April 30, 1902.

Nora J. Lancaster,

Rush Springs, Indian Territory.

Dear Madam:

The Commission is today in receipt of your telegram as follows:

> "Is L. P. Hudson there. Will I need attorney to represent my case there. answer." (Signed) Nora J. Lancaster.

To which the Commission has just replied:

> "Telegram received. Answer by mail today."

Replying to your inquiry you are informed that L. P. Hudson, an attorney admitted to practice before the Commission, is today representing claimants for identification as Mississippi Choctaws before the Commission at its office at Muskogee, Indian Territory. We cannot advise you of the probability of the time that he will remain here but his present place of business is Muskogee, Indian Territory.

It is not necessary that you be represented by an attorney in the presentation of your application for identification as a Mississippi Choctaw and the employment of an agent or attorney is a matter that must be determined by yourself.

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If it is your intention to make application to this Commission for identification as a Mississippi Choctaw, you should present yourself in person before the Commission at Muskogee, Indian Territory, prior to May 10, 1902, as you were previously advised in our letter of the 10th instant.

Yours truly,

Commissioner in Charge.

Miss.Chootaw R5472

Muskogee, Indian Territory, July 3,1902.

Mrs. Nora J. Lancaster,

Rush Springs, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of June 30, in which you ask if you are entitled to enrollment as a citizen of the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that you are an applicant for the identification of yourself and your minor children as Mississippi Choctaws. No decision has yet been reached nor opinion rendered relative to your rights as such Mississippi Choctaws. As soon as a decision is reached you will be notified of the action of the Commission, and also of the forwarding of the record in your case to the Secretary of the Interior for review.

Yours truly,

Commissioner in Charge.

(OSF)

Muskogee, Indian Territory, December 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Nora J. Lancaster, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 4, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of John W. Gray, et al., decision in which was rendered by the Commission on September 4, 1902, and approved by the Secretary on January 25, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc.: M.C.R.5472.

C O P Y

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS

76237- 1902

Washington, Feb. 28, 1903

The Honorable

The Secretary of the Interior

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Nora J. Lancaster for herself and her four minor children, Bertha L. Pope, Thomas Henry, William, Alex, and Silas Lancaster, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application upon their descent from Mary Reams (or Raines or Reems), the principal applicant's mother, who, it is alleged was a Choctaw Indian and a resident of the Choctaw Nation in Mississippi in 1830.

The Commission rejected the applicants December 4, 1902, because the name of their ancestor through whom they claim does not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation

An examination of the records of this office has been made with reference to the name of Mary Reams (or Raines or Reems), and

it is discovered that her name does not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty. Neither does it appear that the applied to the Commissions appointed under Acts of March 3, 1837, and August 23, 1842, for an adjudication of her rights if she had any as a Choctaw Indian.

These being the facts, it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. Tonner

Acting Commissioner

C.T.C. (S)

C O P Y

DEPARTMENT OF THE INTERIOR

D.C. 8585 WASHINGTON EAF.

March 25, 1903

I.T.D. 2314- 1903

L.R.S.

Commission to the Five Civilized Tribes

Muskogee, I.T.

Gentlemen:-

December 20, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Nora J. Lancaster and her minor children, Bertha L. Pope, Thomas Henry Lancaster, William Alex Lancaster and Silas Lancaster, including your decision of December 4, 1902, denying the application.

The applicants claim to be descendants of one Mary Reams (or Raines or Reems), alleged to have been a one-half blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that Mary Reams complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat. 180), and August 23, 1842 (5 Stat., 513).

The Department concurs in the recommendation of the Acting Commissioner of Indian Affairs, contained in his letter of February 28, that your decision be approved It is therefore affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure.

M.C.R. 5472

COPY.

Muskogee, Indian Territory, April 2, 1903.

Nora J. Lancaster,

Rush Springs, Indian Territory.

Dear Madam:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Nora J. Lancaster, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

Tams Bixby.

Chairman.

M.C.R. 5472

COPY.

Muskogee, Indian Territory, April 2, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Nora J. Lancaster, et al., of which decision you were advised by mail on the 4th day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

M. C. R. 5472

Muskogee, Indian Territory, December 4, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Nora J. Lancaster, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nora J. Lancaster, Bertha L. Pope, Thomas Henry Lancaster, William Alex Lancaster and Silas Lancaster as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article and application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby,

Acting Chairman.

M. C. R. 5472

COPY.

Muskogee, Indian Territory, December 4, 1902.

Nora J. Lancaster,

Rush Springs, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Nora J. Lancaster, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nora J. Lancaster, Bertha L. Pope, Thomas Henry Lancaster, William Alex Lancaster and Silas Lancaster as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

W J L 2.

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) Tams Bixby.

Acting Chairman.

Registered.

MEMORANDA.

(Date) June 13 1900.

Name Nora J Lancaster. (R3) Rusk Springs, I.T.

Choctaw? Yes. County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes (1/8) Mother's citizenship Choc. (1/4)

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

~~Wife's name.~~ (Husband) Thomas Lancaster, (hus)

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

5. Bertha L. Pope (John Pope) father — County ..... Year ..... Page ..... No. .....

3. Thomas, (hus) Wm Alexander — County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

Jessie Zammer, (father)
Mary J. Reams, (mother) Dead.

Form No. 260.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

THOS. T. ECKERT, President and General Manager.

Receiver's No. Time Filed Check

SEND the following message subject to the terms on back hereof, which are hereby agreed to.

COP Y

Rush Springs, I. T. 4-30-1902

Dawes Commission

Is L. P. Hudson there. Will I need attorney to represent my case there . Answer.

Nora J. Lancaster.

☞ READ THE NOTICE AND AGREEMENT ON BACK. ☜

Form No. 260.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

THOS. T. ECKERT, President and General Manager.

Receiver's No. Time Filed Check

Collect

SEND the following message subject to the terms on back hereof, which are hereby agreed to.

[illegible], [illegible], April 13, 1909.

[illegible]

[illegible]

Telegram received. Answer by mail to-day.

[illegible]

7-r 582

READ THE NOTICE AND AGREEMENT ON BACK.

No. 5472

For Identification as a Mississippi Choctaw.

Date MAY 3 1902

Name Nora J. Lancaster

Age 24 Blood 1/8

Post-Office, Rush Springs I.T.

Father Jesse Zimmer w. l.

Mother: Mary Josephine Zimmer Cla nee Reamold.

Claims through

Mother

First husband: John Pope (divorced) w.

2d " Thomas Lancaster. w. l.

no claim for husband

Children:

Bertha L. Pope 6

Thomas Henry Lancaster 4

William Alex Lancaster 2

Silas Lancaster 6 mo

Stenographer S.A. Apple.

Choctaw MCR 5473

Sanders Snigleton

See MCR 5470

MCR 5473

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 29, 1902.

In the matter of the application of Sanders Singleton for identification as a Mississippi Choctaw.

Sanders Singleton, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Sanders Singleton.
Q How old are you? A Fifty three years old.
Q How much Choctaw blood have you? A Coming by my grand mother.
Q How much have you? A Quarter.
Q What's your post office address? A Greensboro, Alabama.
Q What county? A Hale County.
Q How long have you lived in Hale County? A Born there.
Q All your life? A Yes, sir.
Q Your father living? A No, sir.
Q What was his name? A Arta Singleton.
Q Your mother living? A No, sir.
Q What was her name? A Viney.
Q Through which one of your parents do you get your Choctaw blood, your father or your mother? A Father.
Q Where was your father born? A He was born in Choctaw.
Q Choctaw what? A Choctaw, Mississippi - Choctaw, down between here and Mobile.
Q Do you know in what county, in Mississippi? A No, sir, I don't know. Come out of Choctaw.
Q I don't know what you mean by Choctaw. Do you mean the Choctaw Nation, here in Mississippi and Alabama? A Yes, sir.
Q How old was he when he lived here? A He was born here.
Q How old was he when he left to go there in Alabama? A I don't know, sir, how old he was; he was over fifty years old.
Q Well, now, how much Choctaw blood did he have? A Half.
Q Was he a slave? A Yes, sir, his mother was a full blood Indian.
Q What was her name? A Charity.
Q Charity what? A Singleton.
Q You have seen her, have you A Since the surrender; about thirty years ago.
Q How old was she when she died? A Over one hundred years old.
Q Where was she born? A She was born in Choctaw, Mississippi.
Q Do you know when she left this country to go over to Alabama?
A No, sir, I couldn't remember when she left.
Q Did she have any other name - Choctaw name? A No, sir.
Q Just Charity Singleton? A Yes, sir.
Q Could she speak and understand the Choctaw language? A I expect so, I couldn't understand her.
Q Do you know where she was living twenty years before you were born? A No, sir.
Q Have you any brothers or sisters as much as twenty years older than you are? A No, sir, I don't think I have.

Only what's dead; I have one brother dead; he is twenty years older than me.
Q Where was he born? A In Alabama.
Q Whatmcounty? A In Hale County.
Q Full brothers of yours? A Yes, sir, he is dead though.
Q How long before he was born had your father lived over in Alabama, Hale County? A I think about twenty five years.
Q Before he was born? A Before he was born; I couldn't say exactly how long.
Q Have you any idea how long? A No, sir, have not; of course, I was very young, you know.
Q Do you know the name of Charity's father? A No, sir.
Q Or her mother? A No, sir, I couldn't tell.
Q Are you married? A Yes, sir.
Q What's your wife's name? A Phyllis Singleton.
Q Has she any Choctaw blood? A No, sir.
Q You make no claim for her? A No, sir.
Q Have you been married more than once? A No, sir.
Q Any children living who are under age and unmarried? A No, sir, just one.
Q Is he of age? A Yes, sir.
Q He will have to make application in his own behalf, then? A Yes, sir, he didn't have money to come.
Q This application is for yourself only, is that right? A Yes, sir.
Q Has any application of any description ever been made before today inyour behalf for the purpose of establishing your rights as a Choctaw Indian? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights inthe Choctaw lands, in Indian Territory, under rticle fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that fourteenth article? A Yes, sir.
Q Are you a full brother of Mourning Hobson who appeared before the Commission here yesterday? A Yes, sir.
Q Did you hear her examination? A Yes, sir.
Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek than what has been disclosed by her testimony? A No, sir.
Q Have you any witnesses here today to testify in your behalf?
A No, sir, no more than what some parties made out.
Q You have some writtenevidence to offer then? A Yes, sir.

Affidavits of Abner Locke and Jarret Wilson are offered inevidence, identified as Exhibits "A and B", respectively, filed and made a part of the record inthis case.

Q Who is this man, Abner Locke, whose affidavit you offer? A He is a man that lives in Hale County, Alabama.
Q Is he any relation to you? A No, sir, none at all.
Q Is he interested in any way inthe result of your application?
A No, sir.
Q Is he a white man or black man? A Colored man.
Q Who is Jarret Wilson? A He is a colored man; he knows my fore-

parents, you know; been with them all their life.
Q Any relation to you? A Not a bit.
Q Interested in any way inthe result of your application? A No,sir.
Q You have no further evidence to offer? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Are there any further statements you want to make at this time in support of your application? A No, sir.
Q, You don'T know of any old persons l v ing who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article, do you? A No, sir.
Q Have you any writtenevidence of any kind which would show or tend to show such a state of facts? A No, sir.
Q How many children have you living? A One.
Q What's that child's name? A Andrew.Singleton.
Q Where does he live? A He lives in Hle County .
Q Never has been before the Commission? A No, sir.
Q Have you any children dead who left children? A No, sir.
Q Is he the son of yourself and Phyllis? A Yes, sir.
Q Were you married to her under a license? A Yes, sir.
Q Where ? A In Hale County.
Q Who married you? A My master; he was a general. Married by my owner.
Q You were married by your owner? A Yes, sir.
Q Have you lived together ever since your marriage before the surrender? A Yes, sir, before the surrender.
Q Have you any brothers living? A Yes, sir.
Q How many? A One.
Q What's his name? A Pinkney Singleton.
Q Have you any sisters living? A Yes, sir.
Q How many? A Three.
Q What are their names? A Monrning Hobson, Caroline Eden, Hannah Luvert.
Q You don't speak or understand the Choctaw language? A No, sir, never has been taught the Choctaw language.

(This applicant has the appearance of being a full blood negro, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

Sanders Singleton, 4.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commissionts the Five Civilized Tribes, he reported in full all proceedings had inthe above entitled cause at Meridian, Mississippi, on the 29th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings insaid cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 20th day of May, 1902.

Charles H. Sawyer

Notary Public.

Miss.Choctaw R5473

Muskogee, Indian Territory, June 27,1902.

Sanders Singleton,

Greensboro, Alabama,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 23, in which you ask to be advised if any action has been taken in the cases of Mourning Hobson, Sanders Singleton and Cornelius Hobson, applicants for identification as Mississippi Choctaws; you also state that you desire this information in order to make the necessary arrangements to remove to Indian Territory, and you inquire whether free trains will be run to Indian Territory.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to the rights of Sanders Singleton, Mourning Hobson and Cornelius Hobson as Mississippi Choctaws. As soon as decisions are reached each applicant will be notified of the action taken by the Commission.

You are further advised that the Commission knows of no provision for free trains for the transportation of Mississippi Choctaws to Indian Territory.

Relative to that part of your letter referring to the marriage license of Cornelius Hobson, in which it is stated that if the

same is necessary it will be forwarded, Cornelius Hobson is advised that at the time he appeared before the Commission as an applicant for the identification of himself and his minor children as Mississippi Choctaws, April 28, 1902, at Meridian, Mississippi, he was informed that it would be necessary for him to supply the Commission with evidence of his marriage to the mother of his children in support of the application he made on behalf of his minor children, and he was allowed thirty days in which to forward the same to the Commission. That time has long since expired, but the Commission will accept the marriage license and certificate between Cornelius Hobson and Elzira Hobson, provided the same is offered within fifteen days from this date, or prior to July 12, 1902.

Yours truly,

Commissioner in charge.

M.C.R. 5473

Muskogee, Indian Territory, December 30, 1902.

Sanders Singleton,

Greensboro, Alabama.

Dear Sir:

You are hereby advised that on the 30th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mourning Hobson, et al., embracing the following applications for identification as Mississippi Choctaws:

Mourning Hobson, et al.,	M.C.R. 5470
Cornelius Hobson, et al.,	" 5471
Sanders Singleton,	" 5473

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundredand thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mourning Hobson, Mary Hobson, Cornelius Hobson, Henderson Hobson, Richard Hobson, John Hobson, JamesHobson, Pearl Hobson and Sanders Singleton as such should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Ewing

Acting Chairman.

Registered.

M.C.R. 5473.

COPY.

Muskogee, Indian Territory, July 11, 1903.

Sanders Singleton,

Greensboro, Alabama.

Dear Sir:

You are hereby notifiedthat on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mourning Hobson, et al., of which decision you were advised by registered mail on the 30th day of December, 1902.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

M C R 5473

Muskogee, Indian Territory, October 1, 1903.

Sanders Singleton,

Greensboro, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 22, 1903, by reference from the Secretary of the Interior. Therein you state that you do not understand how your application could be rejected.

In reply you are informed that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the Acts of Congress of March 3, 1837 and August 23, 1842. No proof of this character was submitted in support of your application.

The Secretary of the Interior, on May 20, 1903, approved

S S

the decision of the Commission refusing your application for identification as a Mississippi Choctaw, of which departmental action you were duly advised on July 11, 1903.

The Commission now considers your case closed.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 29 1902

Name Sanders Singleton

Age 53 Blood 1/4

Post-Office Greensboro, Ala

Father: Arta Singleton d

Mother: Viney " d

Claims through father

wife Phyllis Singleton s

No claim for wife.

Children:

For sel[illegible] only.

Stenographer R. S. Streit

Choctaw MCR 5474

Nettie Thomas

See MCR 5502

MCR 5474

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Nettie Thomas, et al for identification as Mississippi Choctaws, consolidating the applications of:

Nettie Thomas, et al.,	M.C.R. 5474
William M. Thomas,	M.C.R. 5502

I N D E X

Original application of Nettie Thomas, et al., to the Dawes Commission for identification as Mississippi Choctaws 1

Testimony of Daniel Lyles 6

Affidavit of Andrew Lake 8

Affidavit of M. Mohorn 9

Affidavit of M. Mohorn 10

Affidavit of Daniel Lyles 12

Original application of William M. Thomas to the Dawes Commission for identification as a Mississippi Choctaw 15

Affidavit of Daniel Lyles 16

Affidavit of Andrew Lake 17

Affidavit of M. Mohorn 18

Decision of the Commission refusing the applications in the consolidated case of Nettie Thomas et al., for identification as Mississippi Choctaws 19

5774

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 29, 1902.

Inthe matter of the application of Nettie Thomas for the identification of herself and her three minor children, Nettie, James and Estelle Thomas, as Mississippi Choctaws.

Nettie Thomas, having been first duly sworn, upon her oath testified as follows:

Examinationby the Commission.

Q What is your name? A Nettie Thomas.
Q How old are you? A Forty nine years old.
Q How muchChoctaw blood have you? A My father said he was whole.
Q Your mother had no Indian blood? A No, sir.
Q That makes you a half? A Yes, sir.
Q Do you think your father was a full blood Indian? A That's what he said.
Q What kind of an Indian? A Choctaw; he come from this part of Mississippi.
Q Was he a slave? A He was stolen; I heard him say he was stolen from over here in Mississippi, and brought into Macon, Georgia, and sold, and he written over there and proved that he was not a nigger and Mr. Parker turned him loose, and hired him to be a peddler.
Q What's your post office address? A Greensboro, Alabama; write it incare of my son, William M Thomas, or I won't get it.
Q Is your father living? A No, sir.
Q What was his name? A MartinHatchel.
Q Your mother living? A No, sir, she died during the war.
Q What was her name? A Lucinda.
Q Lucinda had no Choctaw blood at all? A No, sir.
Q She was a slave, was she? A Yes, sir.
Q Were your father and mother married? A Yes, sir, they say so.
Q How many children did they have? A Just me; I was the only one.
Q How long did they live together as husband and wife, if at all?
A I don't know, she died when I was small.
Q Lived together up until the time of her death? A Yes, sir.
Q How old were you when she died? A She died during the war; I don't know how old I was.
Q They were married according to the custom in vogue among the slaves? A Yes, sir.
Q Did your mother ever have any other husband during that time?
A No, sir.
Q Did he ever have any other wife? A Yes, sir, he married afterwards.
Q Didn't have another wife before that? A No, sir. They married young, so they say.
Q Do you know the names of your father's parents? A No, sir, I don't know any of them at all.
Q Where was he born? A He was born inthe west part of Mississippi.
A How old was he when he left there? A I don't know, sir, how old

he was.
Q You have lived in Pale County, Alabama, all your life? A No, sir, I was born in Millitiville, Georgia.
Q What county? A I don't know, sir, exactly; I was raised inColumbus
Q How old were you when you left Georgia? A Oh! when I left Georgia, I brought Will a baby.
Q I don't know old Will is? A Eight months old.
Q How old is he now? A Twenty six.
Q Are you married now? A Yes, sir.
Q Husband living? A Yes, sir.
Q What's his name? A Mat Thomas.
Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him? A No, sir.
Q How many children have you living who are under age and unmarried?
A Got three.
Q What are their names and ages? A Nettie.
Q How old is Nettie? A Eighteen.
Q Next one? A Fifteen.
Q What's her name? A James.
Q Next one? A Estelle, Eight.
Q These children all living with you at this time, are they? A Yes sir.
Q Are they all the children of yourself and Mat Thomas? A Oh! yes, sir.
Q This application, then, is for yourself and three minor children?
A Yes, sir.
Q Has any application of any kind ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights inthe Choctaw lands, in Indian Territory, for yourself and three minor children, under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that fourteenth article of the treaty of Dancing Rabbit Creek, do you? A No, sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here inMississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwillig to leave this country, and for the benefit of those who wanted to stay here and become citizens of the States, what is known as the fourteenth article was put inthat treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out to the new nation, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege og a Choctaw Indian, but if they remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that fourteenth article now? A Oh! yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?
A No, sir.
Q You are sure of that, are you? A Yes, sir, I don't know anything about it.
Q If they did? A No, sir.
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in 1830, when this treaty was made?
A No, sir.
Q Did any of them remove to the present Choctaw Nation, inIndian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
A No, sir.
Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A No, sir.
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A No, sir.
Q Did any of them ever get any landanywhere else from the Government under this fourteenth article? A No, sir.
Q Any of them ever get any land or money from the Government to your knowledge? A No, sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remainhere and become a citizen of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government

at its public land sales here in Mississippi, inmany instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certainActs between the years 1837 and 185 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases, between the years 1838 and 1845.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A No, sir.

An Act of Congress approved on the 23rd day of August, 1842, provided that incase it should be finally decided that a Choctaw had complied inall respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or inAlabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
Q Don't know of anyone? A No, sir.
Q Do you know of any written evidence of any kind which would prove or tend to prove thexx such a state of facts? A No, sir.
Q Have you any witnesses here today to testify? A Yes, sir, I have one.
Q What's his name? A Daniel Lyles.
Q What do you expect to prove by him? A He knowed my father.
Q What else do you expect to prove by him? A Nothing else.
Q He doesn't know whether any of your ancestors ever complied or attempted to comply with the pro isions of article fourteen of the treaty of Dancing Rabbit Creek? A No, sir.
Q Is Daniel any relation to you? A No, sir, not a bit.
Q Has he any interest inthe result of your application? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before us here at Meridian, Mississippi today or tomorrow, or within a reasonable time at the general office of the Commission, in Muskogee, IndianTerritory, and their testimony will be taken.

Have you any writtenevidence of any kind to offer? A Yes, sir.

The affidavits of Andrew Lake, two affidavits of M.Mahorn, and affidavit of Daniel Lyles, are offered in evidence, identified as Exhibits "a, B and C.", respectively, filed and made a part of the record in this case.

Q Who is Andrew Lake who makes this affidavit? A He is a man that knowed my father.
Q What's his occupation? A He is a farmer.
Q Any relation to you? A No, sir.
Q Has he any interest inthe result of your application? A No, sir.
Q Is he a white man or a negro? A Negro.
Q Where does he live? A He lives in Hale County, Alabama.
Q Who is M. Mahorn, whose affidavit you submit here? A He is from Georgia.
Q Where does he live? A He stays up there now in Hale County.
Q Has any relation to you? A No, sir, none at all.
Q Has he any interest in your application? A No, sir.
Q How many children have you living who are of age? A I have three.
Q What are their names? A Will Thomas.
Q Next one? A Rosa Dancey.
Q Next one? A Carrie Williams.
Q Have these children been before the Commission? A No, sir.
Q Where do they live? A Down there where I is; they couldn,t get here.
Q Have you any children dead? A Four.
Q Did they all die in infancy? A Yes, sir.
Q Did you ever have any half brothers or sisters on your father's side? A No, sir.
Q You don't speak or understand the Choctaw language? A No, sir.
Q Nothing further you want to say in support of your application?
A No, sir.

(This applicant has the appearance of being a full blood negro, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

(Applicant excused.)

Dnaiel Lyles, having been first duly duly sworn as a witness in behalf of the above named applicant, upon his oath, testified as follows:

Examination by the Commission.

Q What is your name? A Daniel Lyles.
Q How old are you? A I am forty nine years old; will soon be fifty.
Q What's your post office address? A Greensboro, Alabama.
Q What county? A Hale County.
Q How long have you lived in Hale County? A Ever since I was born.
Q What's your occupation? A Farming.
Q Were you a slave? A Yes, sir.
Q Are you acquainted with the applicant, Nettie Thomas? A Yes, sir.
Q How long have you known her? A Been knowing her a right good while before her father died.
Q How long? How long after the surrender was it that you first met her? A Six or seven years.
Q Where did you first meet her, over there in Hale County?
A Yes, sir.
Q Do you know where she came from to that County? A West Mississippi
Q How do you know that? A I heard them say so.
Q Who told you they came from West Mississippi? A An Old man.
Q Her father? A Yes, sir.
Q What was his name? A Martin Hatchel.
Q How long has he been dead? A About twenty years.
Q How old was he when he died? A I don't know, sir, how old he was.
Q Did he have any Choctaw blood? A Yes, sir, he said he did.
Q How much? A He looked like very nigh full blood.
Q Do you know how much Choctaw blood he had, now? A No, sir.
Q Do you know hiw parents? A No, sir.
Q Was he a slave? A No, sir, I don't think he was.
Q Do you know where his parents lived? A No, sir.
Q Do you know where he was born? A No, sir.
Q When did he come to Hale County, Alabama? A I don't know, sir, when.
Q Could he speak the Choctaw language? A Yes, sir, he was talking our language; he could speak it; I heard him speak it.
Q Do you understand the Choctaw language yourself? A No, sir.
Q How do you know he talked it? A I say I have heard him talking it.
Q How do you know it was Choctaw? A I heard them talking it.
Q Are you related inany way to the applicant, Nettie Thomas?
A No, sir.
Q Are you interested in any way in the result of her application? A
A Yes, sir.
Q You don't know whether any of her ancestors ever complied or attempted to comply with the provisio s of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
Q Did you ever hear of any of her Chcotaw ancestors ever having gotten any land or money from the Government of the United States.?
A No, sir.

(This witness is a negro of average intelligence.)

Nettie Thomas, et al., 7.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 29th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 20th day of May, 1902.

Charles K. Sawyer

Notary Public.

G.A.L.
C.W.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Nettie Thomas, et al., for identification as Mississippi Choctaws, consolidating the applications of:-

Nettie Thomas, et al.,	M.C.R. 5474
William M. Thomas,	M.C.R. 5502

--- D E C I S I O N ---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Nettie Thomas for herself and her three minor children, Nettie, James and Estelle Thomas; and by William M. Thomas for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, by reason of being descendants of Martin Hatchel (or Hatcher), who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896(29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Martin Hatchel (or Hatcher) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837(5 Stats. 180) and August 23, 1842(5 Stats. 513).

It is therefore the opinion of this Commission that the

evidence herein is insufficient to determine the identity of Nettie Thomas, Nettie Thomas (2), James Thomas, Estelle Thomas and William M. Thomas as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

FEB 5 1903.

M.C.R. 5474
M.C.R. 5503

Muskogee, Indian Territory, January 19, 1903.

Wm. M. Thomas,

Greensboro, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th inst., in which you ask if a decision has been reached in the cases of Nettie and Wm. M. Thomas, Choctaw Indians.

In reply to your letter, you are informed that it appears from the records of the Commission that Nettie Thomas is an applicant for the identification of herself and minor children as Mississippi Choctaws; and that William M. Thomas is an applicant for the identification of himself as a Mississippi Choctaw.

The Commission has not up to the present time rendered any opinion or decision relative to the rights of these persons to be identified as such Mississippi Choctaws, but is now considering their applications and it is probable a decision will be rendered in the near future.

Upon the rendition thereof, the applicants will be duly

V M T 2

notified of the action of the Commission, and of the forwarding of the records to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

COI M.C.R. 5474

Muskogee, Indian Territory, February 5, 1903.

Nettie Thomas,

Greensboro, Alabama.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nettie Thomas, et al., embracing the following applications for identification as Mississippi Choctaws:

Nettie Thomas, et al.	M.C.R. 5474
William M. Thomas	M.C.R. 5502

These applications were made under the provision of the act of Congress of June 28,,1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nettie Thomas, Nettie Thomas (2), James Thomas, Estelle Thomas and William M. Thomas as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should

be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signed)

C. R. Breckinridge

Commissioner in Charge.

Registered.

Cor M.C.R. 5474

Muskogee, Indian Territory February 5, 1903.

ansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nettie Thomas, et al., embracing the following applications for identification as Mississippi Choctaws:

Nettie Thomas, et al.	M.C.R. 5474
William M. Thomas	M.C.R. 5502

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nettie Thomas, Nettie Thomas (2), James Thomas, Estelle Thomas and William M. Thomas as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

Muskogee, Indian Territory, February 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Nettie Thomas, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 5, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Nettie Thomas, et al.	M.C.R. 5474
William M. Thomas	M.C.R. 5502

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tams Bixby.

Chairman.

Through the
Commissioner of Indian Affairs.
2 inclosures: M.C.R. 5474

(Copy)

Land
13442--1903. DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington,

March 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Nettie Thomas, for herself and her three minor children, Nettie, James and Estelle Thomas; and of William M. Thomas, for himself, wherein a decision adverse to the applicants was rendered by the Commission on February 5, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Martin Hatchel (or Hatcher), father of the principal applicant, who it is not claimed lived in the Choctaw Nation in 1830. The applicants do not know the name of their ancestor who lived in the Choctaw Nation in 1830, nor if any ancestor complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The Commission rejected the applicants because the name of

their ancestor through whom they claim did not appear among the namesof those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

As the applicants were unable to give the name of an ancestor who was a resident of the Choctaw Nation in 1830, the office has been unable to make an examination of its records as to whether they had such an ancestor and therefore the only examination it was able to make in this case was with reference to the father of the applicants, Martin Hatchel (or Hatcher), who they do not claim was a resident in the Nation in 1830 and complied with the provisions of the Choctaw treaty of that date.

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

(Signed)

A. C. Tonner,

Acting Commissioner.

E.B.F.(E.)

D.C.No.10082-1903. (Copy)

DEPARTMENT OF THE INTERIOR. FHE
WASHINGTON.

I.T.D. 2944-1903. April 7, 1903.
L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 21, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Nettie Thomas(M.C.R.5474),for herself and her three minor children, Nettie, James and Estelle Thomas, and William M. Thomas for himself, including your decision of February 5, 1903, denying their applications.

These appli ants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Martin Hatchel (or Hatcher), who is alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians or that their alleged ancestor ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the ma ter March 17,1903,the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,
(Signed)
THOS. RYAN
Acting Secretary.

1 inclosure.

M.C.R. 5474.

Chief.

Muskogee, Indian Territory, April 17, 1903.

Nettie Thomas,

Greensboro, Alabama.

Dear Madam:

You are hereby notified that on the 7th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nettie Thomas, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

Chairman.

M.C.R. 5474

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 7th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nettie Thomas, et al., of which decision you were advised by mail on the 5th day of February, 1903.

Respectfully,

Tams Bixby.

Chairman.

Consolidated
Case of
Nettie Thomas et al.

MCR 5/1/14

Martin Hatchel (or Hatcher) (dead)
wife
Lucinda Hatchel
slave

mcR 5474
Nettie Hatchel 49-1/2
mar
Mat Thomas
(or Matthew ")

mcR 5474
Nettie Thomas 15
" James Thomas 15
" Estelle Thomas 8

mcR 55[illegible]
William M. Thomas 25-1/4
wife
Willie L. Thomas

Rosa Dancey (nee Thomas)

Carrie Williams (nee Thomas)

#21[illegible] No. 5174

For Identification as a Mississippi Choctaw.

Meridian Miss. [illegible]

Date

Name Nettie Thomas

Age 49 C/o Blood 1/2 Wm. m. Thomas

Post-Office. Greensboro, Ala

Father Martin Hatchel d

Mother Lucinda d

Claims through father

husband Mat Thomas [illegible]

No Claim for husband

For self and 3 children

Children.

Nettie Thomas 18

James " 15

Estelle " 8

Stenographer R. S. Streit

Choctaw MCR 5475

Mary Burrows

MCR 5475

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Burrows, et al., for identification as Mississippi Choctaws, M.C.R. 5478.

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

	page
Original application of Mary Burrows, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws.....	1
Final decision of the Commission, refusing the application for identification as Mississippi Choctaws in the case of Mary Burrows, et al.....	7

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 29, 1902.

In the matter of the application of Mary Burrows for the identification of herself and her four minor children, Junita, Bartlett, Adrain and Alma Burrows, as Mississippi Choctaws.

Appearances:
A. W. Trotter, Attorney for Applicant.

Mary Burrows, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is our name? A ary Burrows.
Q How old are you A Twenty seven.
Q How much Choctaw blood have you? A My grand mother was Choctaw - my father's mother.
Q Was a full blood Choctaw? A No, sir, she wasn't a full blood.
Q How much? A Her mother was.
Q A full blood? A Yes, sir.
Q That would make you one-eighth, then? A Yes, sir.
Q What's your post office address? A New Orleans,
Q What is your local address? A 1310 South Liberty Street.
Q How long have you lived in New Orleans? A About six years.
Q Where did you live before that? A Slidell, Louisiana.
Q How long did you live there? A Well, I was raised there. I was born in Illinois, and I come from there when I was four or five months old.
Q Resided in Louisiana, ever since? A Yes, sir.
Q Is your father living? A Yes, sir.
Q What's hes name? A Herbert Snider.
Q Is your mother living? A Yes, sir.
Q What's her name? A Addie.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q Where was your father born? A In Louisiana, a place called east Pearl, in Saint Tammany Parish.
Q How long did he live inSaint Tammany Parish? A Hewas born and raised in Saint Tammany, and he went to Illinois and stayed a year, I think.
Q With that exception, he lived in Louisiana all his life? A
A Yes, sir.
Q Through which one of his parents did he get his Choctaw blood?
A Through his mother.
Q What was her name? A Her name was Susan Snider.
Q What was her maiden name? A She was a Porter.
Q Is Susan Porter living? A No, sir.
Q How long has she been dead? A Sixteen or seventeen years.
Q How old was she at the time of her death? A She was about sixty five, I suppose, when she died.
Q Well, where was she born, do you know? A No, sir, I do not.

Q You don't know where she lived prior to the birth of your father?
A No, sir.
Q Through which one of her parents did she get her Choctaw blood?
Q Through her mother., I think.
Q What was her name? A Her name was Manor, I think.
Q Where did she live during her life time? A That I couldn:t say; as long as I remember, she always lived in Saint Tammany.
Q Do you remember her other name? A No, sir.
Q She, you claim, was a full blood Choctaw? A yes, sir, m y great grand mother.
Q Did you ever see her? A No, sir.
Q Did your grand mother speak the Choctaw language, or understand it?
A That I couldn:t say; I never heard her.
Q Did she live in Mississippi - your grand mother? A That' I don't know, either.
Q Did your great grand mother ever live in Mississippi, to your knowledge? A No, sir.
Q You don't know the names of her parents? A No, sir.
Q Did your grand mother have a Choctaw name? A My grand mother?
Q Yes? A I don't know whether it is a Choctaw name, or not; it was Manor.
Q That was your great grand mother? A Yes, sir.
Q You don't know whether Susan Porter had a Choctaw name, or not?
A She - that was her name; she was a Porter and married a Snider; I don't know that.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and mother, to be used in connection with this application. This evidence should be furnished within thirty days from this date, if possible.

Q What's the name of your husband? A P. D. Burrows.
Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him? A No, sir.
Q You are living together now? A Yes, sir.
Q How many children have you living? A Four.
Q What are their names and ages? A Junita.
Q How old? A Six. Bartlett is Five, Adrain is four.
Q Next? A Alma, is two.
Q Is Adrain a boy or girl? A Boy.
Q And Alma is a girl? A Yes, sir.
Q This application is for yourself and four minor children?
A Yes, sir.
Q Have you been married more than once? A No, sir.
Q These are all the children of yourself and P.D.Burrows? A Yes, sir.
Q Has any application of any description, ever been made for you or any of these children, before today, for the purpose of establishing your rights as Choctaw Indians? A No, sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw Lands, in Indian Territory, for yourself and four minor children, under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that fourteenth article? A No, sir.

This treaty od Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi, and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the fourteenth article was put in the treaty. That fourteenth article provided that upon certain conditions, a Choctaw who preferred to stay here and not move out to the new nation, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside uponsaid land, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you in full the fourteenth article of the treaty of Dancing Rabbit Creek; do you understand it? A Yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits thereunder? A No, sir
Q Do you know for certain about that? A Yes, sir.
Q You think they never did comply with its provisions? A No, sir, I don,t think they did.
Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, inthe year 1830, when this treaty was made? A I don't know.
Q Do you know whether any of themlived here at that time? A No, sir I don't,know.
Q

Q Did any of them remove to the present Choctaw nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
A I don't know that.
Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A No, sir.
Q Do you mean no, sir, or, I don't know? A I don't know anything about that. I just know what I have heard papa speak about.
Q Did any of your Choctaw ancestors ever claim or receive any land here inMississippi from the Government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek?
A No, sir.
Q Did any of them ever receive any land or money fromthe Government to your knowledge, as Choctaw Indians? A No, sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to registes and report to the Government the names of many Choctaws who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and onthis account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1833 and 1842, providing for the appointment of commissioners to coje down here to Mississippi, and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No, sir.
Q Do you mean no? A I mean no; I know they didn't.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that this land had been sold by the Government, he should be entitled to select inthe place of the land so sold by the Government, land some place else here in

Mississippi, or inAlabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A I don't know that.
Q You never have heard any of your ancestors ever having received any benefits whatever as Choctaw Indians? A No, sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteenof the treaty of Dancing Rabbit Creek, or ever received any benfits thereunder? A No, sir.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
Q Have you any written evidence of any kind to offer at this time in support of your application? A No, sir.
Q Have you any witnesses here today to testify inyour behalf?
A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, today or tomorrow or within a reasonable time at the general office of the Commission, and their testimony will be taken.

Q Are there any further statements you desire to make at this time in support of your application? A No, sir.
Q Have you any brothers living? A I have, yes, sir.
Q How many? A I have four.
Q What are their names? A Charley, LaFayette, and Hubbard and Willie.
Q Have you any sisters? A yes, sir.
Q How many? A I will have to count them, Lovetta Innerarity.
Q What's the next one? A Susie Snider.
Q She is married? A No, sir.
Q Next one? A Rosa, Sarah, Robenia, Alethia.
Q Next one? A That's all.
Q Has your father been before this commission? A No, sir.
Q Have you any brothers or sisters dead? A One.
Q Died ininfancy? A Yes, sir.
Q Has your father any brothers living? A Yes, sir.
Q How many? A Two.
Q What are their names? A Joe Snider and Kirk Snider.
Q Where do they live? A One lives at LaPorte, Texas, and one in West Union, Illinois.
Q Have they been before the Commission? A Not that I know of. Uncle Joe wrote to us that he had; he lives inWest Union, Illinois.
Q Has your father any brothers dead? A Oh! yes, sir, I don't know how many are dead.
Q Did any of them leave children? A No, sir.
Q Has he any sisters living? A No, sir, no sisters living.
Q Did he ever have any sisters? A Yes.
Q Did any of them leave children? A That, I don't know.

Mary Burrows, et al., 6.

(This applicant has the appearance of being a white woman, and shows no indication of being possessed of Indian blood. She has light hair and eyes, and light complexion; she does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had inthe above entitled cause at Meridian, Mississippi, on the 29th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 20th day of May, 1902.

Charles K. Harper

Notary Public.

E.K.
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mary Burrows, et al., for identification as Mississippi Choctaws, M.C.R. 5475.

- - - D E C I S I O N - - -

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Mary Burrows for herself and her four minor children, Junita, Bartlett, Adrain and Alma Burrows, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may - administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Manor, who is alleged to have been a full-blood Choctaw Indian.

It further appears, from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress, approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the prosions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Manor, or an ancestor less remote, signified (in person or by proxy) to Colenel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Burrows, Juanita Burrows, Bartlett Burrows, Adrain Burrows and Alma

Burrows as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
OCT 27 1902

M C R 5475

Muskogee, Indian Territory, October 27, 1902.

A.W.Trotter,

Attorney at Law,

Shubuta, Mississippi.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Burrows, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898, (30 stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Burrows, Junita Burrows, Bartlett Burrows, Adrain Burrows and Alma Burrows as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within

COPY.

A.W.T.---2

which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully

(Sig.)

Registered.

C. R. Breckinridge.
Commissioner in Charge.

M C R 5475

Muskogee, Indian Territory, October 27, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Burrows, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Burrows, Junita Burrows, Bartlett Burrows, Adrain Burrows, and Alma Burrows as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within

which to file arguments in this office,and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. F. [illegible]
Commissioner in Charge.

COPY

M C R 5475

Muskogee, Indian Territory, October 27, 1902.

Mary Burrows,

New Orleans, Louisiana.

Dear Madam:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Burrows, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Burrows, Junita Burrows, Bartlett Burrows, Adrain Burrows and Alma Burrows as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

M.R.---2

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered.

Commissioner in Charge.

M C R 5475

COPY.

Muskogee, Indian Territory, November 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mary Burrows, et al., applicants for identification as Mississippi Choctaws, including the decision of the Commission of October 27, 1902.

The Commission has the honor to report that the principal applicant in this case, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 enclosure. M.C.R. 5475

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Land
68325--1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Mary Burrows, for herself and her four minor children, Junita, Bartlett, Adrain and Alma Burrows, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on October 27, 1902.

The testimony in this case shows that the applicants base their claims to identification as Mississippi Choctaws under this application, because of their descent from Manor or Manor Porter. They claim that their ancestor was a Choctaw Indian, and a resident of the Choctaw Nation in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the name of the party through whom they claim did not appear among the names of those who complied or attempted to comply with the pro-

visions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to Manor, or Manor Porter, and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830

This being the case it is evident that the decision of the Commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C.Tonner,

Acting Commissioner.

E.B.H.(E.)

(COPY)

D.C.No.5458-1903.

DEPARTMENT OF THE INTERIOR. RAF.
WASHINGTON.

ITD.1280-1903.
L R S

February 21, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 12, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Mary Burrows and her minor children, Junita, Bartlett, Adrain and Alma Burrows, including your decision of October 27,1902,adverse to the applicants.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Manor, who is alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Manor or an ancestor less remote complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat.,180), and August 23, 1842 (5 Stat., 513).

Reporting February 5, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has carefully reviewed the record and hereby affirms your decision.

Respectfully,

(Signed)

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 5475

COPY.

Muskogee, Indian Territory, March 6, 1903.

A.W. Trotter,

Attorney-at-Law,

Shubuta, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Burrows, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

Tams Bixby.

Chairman.

M.C.R. 5475

Muskogee, Indian Territory, March 6, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Burrows, et al., of which decision you were advised by mail on the 27th day of October, 1902.

Respectfully,

Tams Bixby

Chairman.

COMMISSIONERS.
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

PLEASE REFER TO THE FOLLOWING

M.C.R. 3478

Muskogee, Indian Territory, March 6, 1903.

Mary Burrows,

New Orleans, Louisiana.

Dear Madam:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Burrows, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

Chairman.

#21 c

No. 5175

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

Name Mary Burrows

Age 27 Blood 1/8

1310 S. Liberty St

Post-Office. New Orleans La

Father Herbert Snyder L

Mother Addie " L

Claims through father

husband P. D. Burrows L

no claim for husband

For

Children

Junida	Burrows	F	6
Bartlett	"	(M)	5
Adrain	"	(M)	4
Alma	"	F	2

Father's mother Susan Porter L

Stenographer R. B. Street

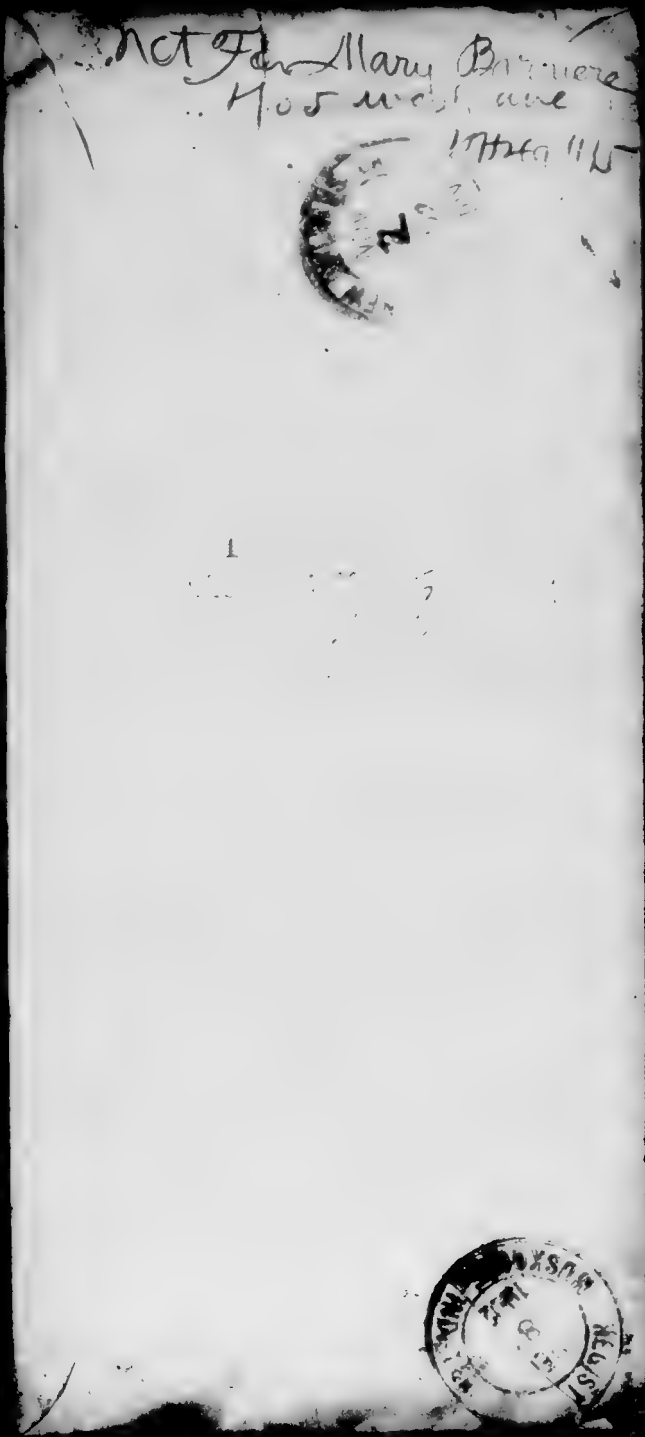
Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Mary Burrows,

New Orleans, Louisiana.



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

REGISTERED
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31
1902
MUSKOGEE, IND. TER.



3rd

Mary Burrows,
New Orleans. Louisiana.

Choctaw MCR 5476

Oliver W. Porter

MCR 5476

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Oliver W. Porter, et al., for identification as Mississippi Choctaws, M.C.R.3476.

List of papers forwarded to the Secretary of the Interior comprising the record in the case of Oliver W. Porter, et al.

(Page)

Original application of Oliver W. Porter, et al., before the Dawes Commission for identification as Mississippi Choctaws 1

Decision of the Commission refusing the application of Oliver W. Porter, et al., for identification as Mississippi Choctaws 3

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5476

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 29, 1902.

In the matter of the application of Oliver W. Porter, for the identification of himself and his five minor children, Columbus Gladys, Thelma, Freddie and Eva Porter, as Mississippi Choctaws.

Appearances:
A. W. Trotter, Attorney for Applicant.

Oliver W. Porter, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Oliver W. Porter.
Q How old are you? A Going on forty four.
Q How much Choctaw blood have you? A I couldn't say how much I have got.
Q What's your post office address? A Slidell, Louisiana.
Q How long have you lived at Slidell? A I was born and raised right in the Parish.
Q What parish? A Saint Tammany.
Q Is your father living? A Yes, sir.
Q What's his name? A John Francis Porter.
Q Is your mother living? A yes, sir.
Q What was her name? A Sarah Porter.
Q Through which one of your parents do you derive your Choctaw blood? A From my father.
Q Has your father been before this Commission? A No, sir.
Q Where does he live? A Nine miles from Slidell.
Q Do you know how much Choctaw blood he has? A No, sir.
Q How long has he lived there inSaint Tammany Parish? A Born and raised there.
Q Through which one of his parents did he get his Choctaw blood?
A His mother.
Q What was her name? A Manor Bostick, was her family.
Q One side of the family was Bostick and one side was Manor? A She was a Manor herself, but she come from the Bosticks and Manors.
Q Do you know what her given name was? A I do not. I have heard her say, but can't remember.
Q Do you know where she was born? A No, sir.
Q About how old a man is your father? A Going on eighty years old now.
Q Do you know how long, prior to his birth, your grand mother had lived there inSaint Tammany Parish, Louisiana? A No, sir.
Q You don't know where she was born? A No, sir.
Q Do you know the names of her parents? A I do not.
Q Do you know how much Choctaw blood she had? A No, sir.
Q Did you know her? A No, sir, I have heard them say she could

talk the language.
Q The Choctaw language? A Yes, sir.
Q Did you ever see her? A No, sir, she died before-my father was a small child; he just can remember.
Q You never did hear how much Choctaw blood she had? A No, sir.
Q What was your father's father's name? A David Porter.
Q You never heard of any of your ancestors ever having lived in Mississippi? A No, sir, have not.
Q What's the name of your wife? A I have heard of them living in Georgia.
Q Who of them ever lived in Georgia? A The Manors; I have heard my father speak about it.
Q The Manors are the ones who had the Choctaw blood? A Yes, sir, as well as I can recollect.
Q You don't know when the left Georgia and come to Louisiana?
A No, sir.
Q Your wife living? A Yes, sir.
Q What's her name? A Elizabeth L. Porter.
Q Did she have any Choctaw blood? A No, sir.
Q You make no claim for her? A No, sir.
Q Have you been married more than once? A No, sir.
Q Has she? A No, sir.
Q How many children have you living? A Five.
Q What are their names and ages? A Columbus, is twelve years old.
Q Next one? A Gladys is ten years old.
Q Next one? A Thelma is five years old.
Q Next? A Freddie is three years old.
Q Next? A Eva is two years old.
Q Are these children all living with you at this time? A Yes, all living with me at this time.
Q This application, then, is for yourself and five minor children?
A Yes, sir.
Q Were you married to Elizabeth under a license? A I was.
Q Where? A In Saint Tammany Parish, four miles above Slidell.
Q Who performed the ceremony? A Stollin Crawford.
Q What official position did he hold at that time? A He was justice of the peace.
Q When were you married to her? A I was married to her, I believe, in '86.
Q Have you your license and certificate with you at this time?
A I have not.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Elizabeth, for use in connection with the application which you make in behalf of your minor children. This evidence should be filed with the Commission within thirty days from this date, if possible.

Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as a Choctaw Indian? A Not that I ever heard of.
Q Do you appear before the Commissionat this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under the fourteenth article of

the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that fourteenth article? A Well, I don't understand it.

The treaty of Dancing Rabbit Creek was entered into here inMississippi on the 27th day of September, 1830, nearly seventy two years ago, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here inMississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater partof the Choctaw tribe of Indians, and is commonly known as the Choctaw nation, Indian Territory. At the time the treaty was made, some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here in Mississippi, what is known as the fourteenth article was put inthe treaty. That fourteenth article provided that uponcertain conditions a Choctaw who wanted to stay here in Mississippi and not move out to the new country,might receive and here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; inlike manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside uponsaid land intending to become citizens of the States for five years after the ratification of this treaty, inthat case a grant infee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the fourteenth article of the treaty of Dancing Rabbit Creek; do you think you understand it now? A Well, part of it.
Q What is it, you don't understand about it? A The first part.

As I have already stated, this fourteenth article was put in there for the benefit of Indians who didn't want to leave this country. The policy at the time was to get the whole tribe to leave this country, which was going to be settled

up by the white people, and put them over west on the new reservation, andthis fourteenth article wasput inthere for those Indians who lived here at that time, and said they wouldn't go out to the new country, and it provided that incase a Choctaw did not want to go there, and wanted to sh stay here and take advantage of the provisions of article fourteen of the treaty, he must let the agent of the Government here in Mississippi know within six months after the time the treaty was ratified; the treaty was ratified on the 24th day of February, 1831, that he wantedt to stay here; after he had let the agent know that he wanted to stay here and take land under this fourteenth article, he was entitled to a reservation of one section of six hundred and forty acres of land, or a piece of land a mile square, and children over ten years of age in his family on the 30th day of September, 1830, were entitled to a half section, and children under ten years of age, a quarter section.

Q You unders and it now; the whole thing? A Yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A Never that I know of.
Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in 1830, whenthis treaty was made?
A Never that I heard of. Never heard of it.
Q You never heard of any of your people ever having lived here in Mississippi? A Never heard of it.
Q Did any of your Choctaw ancestors remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A I couldn't tell you; I never heard.
Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here inMississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land?
A None that I heard of.
Q Did any of them ever claim or receive any land from the Government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A Never that I heard of.

Inaccordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, inmany instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article fourteen of the treaty. This caused a great deal of com-

plaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied inall respects with the provisions of this treaty, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States, and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek?A Not that I ever heard of.
Q

AnAct of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied inall respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government he should be entitled to select inthe place of the land soo sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip fromthe Government under this Act of Congress? A Never that I heard of.
Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir, not as far as I know.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
Q Have you any written evidence of any kind to offer at this time?
A No, sir.
Q Have you any witnesses here today to testify in your behalf
A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, today or tomorrow, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make atthis time

in support of your application? A No, sir.
Q Have you any brothers living? A I have got four.
Q What are their names? A John and Tom, Columbus and Dave.
Q Have they been before the Commission? A Yes, sir.
Q Where do they live? A Slidell; one live in Texas, but he is at home now.
Q Have you any sisters living? A Three.
Q What are their names? A They live around Slidell.
Q What are their names? A The oldest one, Mag.
Q Is she married? A Yes, sir.
Q What's her husband's name? A Rufe Jacques.
Q Next one? A Virginia Taylor.
Q Next one? A Annies Dawes.
Q Have you any brothers dead? A I have two brothers dead.
Q Did either of them leave children? A No, sir.
Q Haveyou any sisters dead? A One sister dead.
Q Did she leave children? A She left two little girls.
Q Are they living? A Yes, sir, the last I heard of them.
Q Where? A In Houston, Texas.
Q With whom do they live? A One with their father; the other one is working out.
Q What are their names? A I don't know the oldest one's name; the oldest one is Adaline Coffman; I don't know her name after she married.
Q What was your sister's name? A AliceL., and married a Coffman; I never seen him but once.
Q She was your full sister? A Yes, sir, that's what my mother said.
Q Do you know whether any application has ever beenmade to the Commission for these two girls? A None at all.
Q Has your father any brothers or sisters living? A None living; heis the youngest one.
Q Did he ever have any brothers? A One.
Q What was his name? A Dave Porter.
Q Did he leave any children? A Yes, sir.
Q How many? A As well as I can tell, he left three girls and six or seven boys, I believe.
Q Are they living, all of them? A No, sir.
Q Any of them living? A Some of them are living. Some left children.
Q What are the names of those who are living? A Ben Porter is the oldest, and a girl by the name of Ellen Crockett.
Q Next one? A She's living.
Q Next one? A Sarah.Porter; she married a Porter.
Q Next one? A Dave Porter.
Q Next one? A Filmore Porter.
Q Next one? A Allen Porter.
Q Next one? A That's all that's living.
Q Have they been before the Commission? A No, sir.
Q Where do they live? A They live in Saint Tammany Parish.
Q Some of those children left children? A Yes, sir.
Q How many of them left children? A I believe seven of them.
Q That left children? A No, sir, that's one man that died and left seven children.
Q What was his name? A Billy Porter.
Q What are the names of those sevenchildren? A Some of them I haven't seen inseven years; I don't know them.
Q Where do they live? A At Pearl River Station, seven miles above where I live.

Q Have they been before the Commission? A No, sir.
Q Did your father ever have any sisters? A He had seven.
Q Did any of them leave children? A They are all dead.
Q Did any of them leave children? A Oh! yes, sir.
Q How many of those sisters left children? A Adline Caroline.
Q What was her married name? A Sadley.
Q How many children did she leave? A I coldn't tell you that. They are scattered all over the world; I know part of their names.
Q What are the names of those you know? A Frank Sadley, there's Joe Sadley, and a daughter, I know.
Q What her name? A Fannie Keenan.
Q Where do all these people live you have just named? A Born and raised in New Orleans. Two of them in Texas; their mother died in Texas.
Q What's the name of the next one of your father's sisters who left children? A Sarah A. Canada.
Q How many children did she leave? A Living - she's got Sam and Siss and Alex and Christy.
Q Where do they live? A They live there in the country.
Q Have they been before the Commission? A No, sir.
Q What's the name of the next one of those sisters of your father who left children? A Sena Sadley.
Q How many children did she leave? A Carris Sadley.
Q Next? A That's all the one that's living inthat family.
Q Has he been before the Commission? A No, sir.
Q Where does he live? A New Orleans, a steam-boat engineer.
Q What's the name of the next one of your father's sisters who left children? A Hester Mitchell.
Q How many of her children are living now A Two, I believe.
Q What are their names? A Green Mitchell.
Q Next? A I can't think of the next one's name.
Q Where do they live? A Bay Saint Louis.
Q Have they been before the Commission? A Never that I heard of.
Q Did your father ever have any other sisters who left children?
A Not that I know of.

(This applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported infull all proceedings had in the above entitled cause at Meridian, Mississippi, on the 29th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings insaid cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 20th day of May, 1902.

E. Hamm Notary Public.

Notary Public.

J.T.W.
C.W.

COPY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Oliver W. Porter, et al., for identification as Mississippi Choctaws, M.C.R.5476.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Oliver W. Porter for himself and his five minor children, Columbus, Gladys, Thelma, Freddie and Eva Porter, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 496):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of _____Manor and of _____Bostick, both of whom are alleged to have been Choctaw Indians, degree of blood not stated.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896(29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that any persons bearing the surnames of Manor or Bostick, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842(5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Oliver W. Porter, Columbus Porter, Gladys Porter, Thelma Porter, Freddie

Porter and Eva Porter, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

DEC 23 1902

M.C.R. 5476

Muskogee, Indian Territory, December 23, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 23d day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Oliver W. Porter, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Oliver W. Porter, Columbus Porter, Gladys Porter, Thelma Porter, Freddie Porter and Eva Porter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby

Acting Chairman.

Acting Chairman.

M.C.R. 5476

Muskogee, Indian Territory, December 23, 1902.

A. W. Trotter,

Attorney at law,

Shubuta, Mississippi.

Dear Sir:

You are hereby advised that on the 23d day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Oliver W. Porter, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Oliver W. Porter, Columbus Porter, Gladys Porter, Thelma Porter, Freddie Porter and Eva Porter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which

to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 5476

Muskogee, Indian Territory, December 23, 1902.

Oliver W. Porter,

Slidell, Louisiana.

Dear Sir:

You are hereby advised that on the 23d day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Oliver W. Porter, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Oliver W. Porter, Columbus Porter, Gladys Porter, Thelma Porter, Freddie Porter and Eva Porter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Levy

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, January 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Oliver W. Porter, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 23, 1902.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tams Bixby.
Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 5476

M C R 5476

Muskogee, Indian Territory, January 15, 1903.

Benj. M. Miller,
Attorney-at-law,
Covington, Louisiana.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th inst., relative to the decision of the Commission refusing the application of Oliver W. Porter for the identification of himself and his minor children as Mississippi Choctaws. You state that you have advised Oliver W. Porter what proof would be necessary and he is now preparing the same and asks that your letter be considered an application for a re-hearing.

In reply to your letter you are advised that the fifteen days from December 23, 1902, heretofore granted in this case for the purpose of filing arguments expired on January 7, 1903. On January 8, 1903, the record in the case together with the decision of the Commission was forwarded to the Secretary of the Interior. Pending action thereon by him, the Commission cannot receive or consider further evidence.

Respectfully,

Commissioner in Charge.

Land
2188-1903

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington. March 20, 1903.

The Honorable,
The Secretary of the Interior.
Sir:-

There is enclosed, herewith, a report from the present Chairman of the Commission to the Five Civilized Tribes, dated January 8, 1903, forwarding the record relative to the application of Oliver W. Porter, who applies for the identification of himself and his minor children, Columbus, Gladys, Thelma, Freddie and Eva Porter, as Mississippi Choctaws.

December 23, 1902, the commission held that the applicants were not entitled to identification.

The applicants claim the right to identification in this case by reason of descent from _____Manor, and _____Bostick. They claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi or Alabama, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the names of their ancestors through whom they claim do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the ad-

ditional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of _____Maner, and _____Bostick, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the said Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants is correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

(Signed) A.C.TONNER,

Acting Commissioner.

G.A.W.(E)

D.C. 11689-1903.
I.T.D. 3116-1903.
L.R.S.

COPY.
F.H.E.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

April 20, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 8, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Oliver W. Porter (M.C.R. 5476), for himself and his five minor children, Columbus, Gladys, Thelma, Freddie and Eva Porter, including your decision of December 23, 1902, denying their applications.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of _____ Manor and of _____Bostick, both of whom are alleged to have been Choctaw Indians, degree of blood not stated.

The record fails to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 20, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is accordingly affirmed.

Respectfully,

(Signed) THOS. RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 5476

COPY.

Muskogee, Indian Territory, April 30, 1903.

Oliver W. Porter,

Slidell, Louisiana.

Dear Sir:

You are hereby notified that on the 20th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Oliver W. Porter, et al., of which decision you were advised by registered mail on the 23rd day of December, 1902.

Respectfully,

(SIGNED).

Tams Bixby.

Chairman.

M.C.R. 5476

COPY.

Muskogee, Indian Territory, April 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw [illegible],

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 20th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Oliver W. Porter, et al., of which decision you were advised by mail on the 23rd day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

M.C.R. 5476

COPY.

Muskogee, Indian Territory, April 30, 1903.

A. W. Trotter,

Attorney-at-Law,

Shubuta, Mississippi.

Dear Sir:

You are hereby notified that on the 20th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Oliver W. Porter, et al., of which decision you were advised by registered mail on the 23rd day of December, 1902.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

No. 5176

For Identification as a Mississippi Choctaw.

Meridian Miss.
Date

Name Oliver W. Porter

Age 43 Blood Lost Arrow

Post-Office. Slidell, La

Father. John Francis Porter "

Mother Sarah J " "

Claims through father

wife Elizabeth J. Porter "

no claim for wife.

Children

Columbus Porter 12

Gladys " 10

Thelma " 5

Freddie " 3

Eva " 2

Stenographer R. L. Streit

Choctaw MCR 5477

Daniel G. Lyles

MCR 5477

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Daniel G. Lyles, et al., for identification as Mississippi Choctaws, M. C. R. 5477.

List of papers forwarded to the Secretary of the Interior in the matter of the application of Daniel G. Lyles, et al., M. C. R. 5477.

	Page.
Original application of Daniel G. Lyles, et al., for identification as Mississippi Choctaws	1
Affidavit of Betsey Blair	8
Affidavit of Alex Wilson	9
Decision of the Commission refusing the application of Daniel G. Lyles, et al., for identification as Mississippi Choctaws	10

5477

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 29, 1902.

In the matter of the application of Daniel G. Lyles, ha for the identification of himself and his nine minor children, Frances, Alfred, Lillie, Herman, Eve, Mag, Mattie, Genie and Charlie, as Mississippi Choctaws.

Daniel G. Lyles, having been first duly sworn, upon his o oath testified as follows:

Examination by the Commission.

Q What is your name? A Daniel G. Lyles.
Q How old are you? A Forty nine years old.
Q How much Choctaw blood have you? A I reckon, nearly half. My father, they said, was a full blood Choctaw? A
Q Who said that? A Them people that knows me.
Q What's your post office address? A Greensboro, Alabama.
Q What county? A Hale County.
Q How long have you lived in Hale County, Alabama? A Born and raised there.
Q Lived there all your life? A Yes, sir.
Q Is your father living? A I don't know whether he is or not; he went to Texas.
Q When? A I don't know, sir; I reckon's it's been over forty years ago; a short while after I was born.
Q What was his name? A Jerry Lyles.
Q Was he a slave? A No, sir.
Q Were you? A Yes, sir.
Q Your mother living? A Yes, sir.
Q What's her name? A She's named Betsey Blair; she is now.
Q She has no Choctaw blood you are sure? A I think she 's got some in her; I know she has.
Q How much Choctaw blood has your mother? A She's about a quarter, so they say.
Q She was a slave wasn't she? A Yes, sir.
Q Where was your father born? A I don't know, sir.
Q Where was your mother born? A She's born up here inNorth Alabama.
Q She has lived in this State all her life? A Yes, sir.
Q About how old is she? A About seventy five years old.
Q Which is the oldest, your father or your mother? A I don't know, sir, which was the oldest.
Q You don't know where your father lived prior to your birth?
A No, sir.
Q Were he and your mother married? A Yes, sir.
Q Married under a license or according to the customamong slaves?
A Customamong slaves.
Q How long did they live together, do you know? A Mother said they lived together about a year, and they they took her and brought her over here inPickens County, Alabama.
Q Who brought her over here? A Speculators.

Q Did she ever have any children besides you by this Indian? A No, sir, none but me.
Q Do you know the names of his father and mother? A No, sir.
Q Do you know the names of any of his ancestors at all? A I know the name of one of his brothers.
Q What was his name? A His name is Alfred Lyles.
Q Was he a slave? A No, sir.
Q Where did he live? A Away up in there somewhere near Higginsville, Alabama.
Q Was he a full blood Choctaw? A yes, sir.
Q Could your father speak the Choctaw language? A I don't remember, but they say he did.
Q Who is the they that you refer to? A They are dead now; old men that knowed me, and owned me.
Q Your owner told you your father could speak the Choctaw language?
A Yes, sir.
Q Through which one of her parents did your mother get her Choctaw blood? A From her father.
Q What was his name? A Named Daniel.
Q What - Daniel what? A Terry, I believe.
Q He was a slave? A Yes, sir.
Q How much Choctaw blood did he have? A They said he had a quarter.
Q Did you ever see him? A No, sir, not to remember him. They sold us from him.
Q Where was he born? A I don't know, sir, where he was born at.
Q What was the name of your mother's mother? A Eadie.
Q Slave? A Yes, sir.
Q Was she married to your mother's father? A Yes, sir.
Q Did she ever have any other children by him? A Yes, sir.
Q How many? A Had three.
Q Do you know the names of the parents of your mother's father?
A No, sir, you mean by my gr and father?
A Yes, sir? A No, sir, I don't know their names.
Q Been married more than once? A No, sir.
Q Wife living? A Yes, sir.
Q What's her name? A Named Lottie.
Q She has no Choctaw blood? A No, sir.
Q You make no claim for her? A No, sir.
Q How many children have you living who are under age and unmarried?
A Nine.
Q Give us their names? A Frances, a girl.
Q How old? A About twenty.
Q Next one? A Alfred, he is about fifteen.
Q Next one? A Lillie, is about fourteen.
Q Next one? A Herman, eleven years old.
Q Next one? A Eve, is about nine.
Q Next one? A Mag.
Q How old? A About eight years old.
Q Next one? A Mattie, about five years old.
Q Next? A Genie.
Q Girl? A Boy.
Q How old? A He is about three.
Q Next one? A Charlie.
Q How old? A He is about two years old.
Q That's all, is it? A Yes, sir.
Q These children all living withyou at this time? A Yes, sir.
Q Are they all the children of yourself and Lottie Lyles? A Yes, sir

Q This application is for yourself and nine minor children? A Yes, sir.
Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights inthe Choctaw lands, in Indian Territory, for yourself and nine minor children under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that fourteenth article? A No, sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly knownas the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the fourteent article was put in the treaty. That fourteenth article provided that uponcertain conditions a Choctaw who preferred to stay here in Mississippi and not move out to the new nation, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservationof one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the fourteenth article of the treaty of Dancing Rabbit Creek. Do you understand it now? A Yes. sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever receive any benefits under that article? A No, sir.
Q Did not? A No, sir.
Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not that I knows of.
Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
A No, sir, not that I knows of.
Q Did any of them, within six moths after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A No, sir.
Q Do you mean no, sir, or that you don't know it? A No, sir, I say I don't know, sir.
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know, sir.
Q Did you ever hear of any of your ancestors ever having received any land from the Government? A No, sir.
Q Or any money? A No, sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agetn here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, infact, let him know that they wanted to stay here and become citizens and take land, and on this account, the Govern ent at its public land sales here inMississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certainacts between the years 1837 and 1845, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No, sir.

Anact of Congress approved on the 23rd day of August, 1842, provided that incase it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had beensold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here inMississippi, or inAlabama, Louisiana, or Arkansas, fromvacant Government land, and should be given a certificate to that effect. These certificates were caled scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government under this Act of Congress? A Not as I knows of, sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied, or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
Q Do you know of any writtenevidence of any description which would prove or tend to prove such a state of facts? A No, sir.
Q Have you any witnesses here to testify inyour behalf? A No, sir.
Q Have you any writtenevidence of any kind to offer? A Yes, sir.

The affidavit of Betsey Plair, and the affidavit of Alex Wilson, are offered inevidence, identified as Exhibit "A", and "B", respectively, filed and made a part of the record intois case.

Q Is Betsey Plair, whose affidavit you offer, your mother? A Yes, sir.
Q Has she been before this Commission? A No, sir.
Q What relationis Alex Wilsonto you? A None at all.
Q White man or negro? A Negro.
Q Does he live inHale County, Alabama? A Yes, sir.
Q Is he interested in any way inthe result of your application?
A Nok sir.
Q

If you should find any witnesses whose testimony you desire to have takenby the Commission, they may appear before us here at Meridian, Mississippi, today or tomorrow, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will betaken.

Q Are there any further statements you want to make at this time in support of your application? A No, sir.
Q How many children have you living who are of age or married?
A One married.
Q And then you have another one of age who is not married? A No, sir. I got eleven children.
Q You gave us nine? A I only got one married.
Q You only have one child older thanFrances; the others between Frances and this other one is dead. What's the name of your mar-

ma
ried child? A Daniel Lyles Jr.
Q Where does he live? A He lives inHale County .
Q Has he been before the Commission? A No , sir.
Q Did your oldest children who are dead, die in infancy? A They died ininfancy. The oldest one was about two years old.
Q Have you any brothers living? A No, sir.
Q Did you ever have any full brothers? A No, sir.
Q Did you ever have any half brothers? A Yes, sir, two.
Q Did either of them leave children? A No, sir, they died babies.
Q Did you ever have any sisters? A Yes, sir.
Q How many sisters? A I have got four.
Q Did any of them leave children? A No, sir.
Q Are any of them living now? A Yes, sir.
Q How many? A Four.
Q What are their names? A One named Hannah Field.
Q Where does she live? A She's married.
Q Where does she live? A She lives in Hale County.
Q Next one? A Malinda Evins.
Q Where does she live? A She lives in Hale County.
Q Has she been before the Commission? A No, sir.
Q Next one? A Martha Blair.
Q Has she ever been married? A No, sir.
Q Has she been before the Commission? A No, sir.
Q What's the name of the next one? A Sallie.
Q Married? A Yes, sir, Sallie Travis.
Q Has she been before the Commission? A No, sir.
Q Where does she live? A In Hale County, Alabama.
Q Did your fahher's brother leave any children? A No, sir, not that I knows of.
Q Did he ever have more than one brother to your knowledge? A Not that I knows of.
Q Ever have any sisters? A Not that I knows of.
Q Did your mother ever have any brothers or sisters? A Yes, sir, a brother and sister.
Q Did the brother leave any children? A Yes, sir.
Q Any of them living? A Yes, sir.
Q How many? A I believe, four or five of her brother's children are living.
Q What was her brother's name? A Abraham Glover.
Q What are the names of his children who are living? A One is named Chestina Lockett.
Q Where does she live? A In Hale County, Alabama.
Q Has she been before the Commission? A No, sir.
Q What's the name of the next one? A Caldonia Thomas.
Q Been before the Commission? A No, sir.
Q Where does she live? A In Hale County, Alabama.
Q Next one? A James Glover.
Q Been before the Commission? A No, sir.
Q Where does he live? A In Hale County, Alabama.
Q Next one? A Sylvester Glover.
Q Been before the Commission? A No, sir.
Q Where does he live? A In Jefferson County, Alabama.
Q Next one? A Mary Ellen Stringer.
Q Has she been before the Commission? A No, sir.
Q Does she live over in Hale County? A Yes, sir.
Q What's the name of the next one of these children? A That's all that's living.

Q Did Mary Ellen ever have any brothers or sisters who are now dead who left children? A Yes, sir, one brother by the name of Daniel Glover left some children.
Q How many? A Three children.
Q Are they all living? A Yes, sir; Viney, Gilbert, and a boy in Demopolis; his name I don't know.
Q Have they been before the Commission? A No, sir.
Q Now, did your mother's sister leave any children? A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates. He has the features and ~~facial~~ facial expressions of a negro; skin is black, and has black eyes; his hair is somewhat inclined to be straight.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled ause at Meridian, Mississippi, on the 29th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 20th day of May, 1902.

Charles K. Lampen

Notary Public.

COPY

L. G.D.
Co.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---:---

In the matter of the application of Daniel G. Lyles, et al., for identification as Mississippi Choctaws, M.C.R. 5477.

D E C I S I O N .

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Daniel G. Lyles for himself and his nine minor children, Frances, Alfred, Lillie, Herman, Eva, Mag, Mattie, Genie and Charlie Lyles, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Daniel Terry, who is alleged to have been a quarter blood Choctaw Indian, and of Jerry Lyles (or Lysles), who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Daniel Terry or Jerry Lyles (or Lysles), or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel G. Lyles, Frances Lyles, Alfred Lyles, Lillie Lyles, Herman Lyles, Eva Lyles, Mag Lyles, Mattie Lyles, Genie Lyles and Charlie Lyles as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED Tams Bixby.
Acting Chairman.

SIGN. T. B. Needles.
Commissioner.

SIGNED C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

DEC 6 1902

M. C. R. 5477

Muskogee, Indian Territory, December 6, 1902.

Daniel G. Lyles,

Greensboro, Alabama.

Dear Sir:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Daniel G. Lyles, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898, (30 Stats.,495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel G. Lyles, Frances Lyles, Alfred Lyles, Lillie Lyles, Herman Lyles, Eve Lyles, Mag Lyles, Mattie Lyles, Genie Lyles and Charlie Lyles as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) James Dixby.

Acting Chairman.

Registered.

M. C. R. 5477

COPY.

Muskogee, Indian Territory, December 6, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Daniel G. Lyles, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel G. Lyles, Frances Lyles, Alfred Lyles, Lillie Lyles, Herman Lyles, Eve Lyles, Mag Lyles, Mattie Lyles, Genie Lyles and Charlie Lyles as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

SIGN

Acting Chairman.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Daniel G. Lyles, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman

Through the

Commissioner of Indian Affairs.

Enc. N.C.R.5477.

COPY.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land
76246-1902

March 25, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Daniel D. Lyles, for himself and his nine children, Frances, Alfred, Lillie, Herman, Eve, ag, Mattie, Genie and Charlie Lyles, for identification as Mississippi Choctaws, claiming rights as such under the provision of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from Daniel Terry and Jerry Lyles (or Lysles) who it is alleged were Choctaw Indians and residents of the Choctaw Nation in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants December 6, 1902, because the names of the ancestors, through whom they claim, do not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office, with reference to the names of Daniel Terry and Jerry Lyles (or Lysles) and it was discovered that their names do not appear among those who complied or attempted to comply with the provisions of the treaty of 1830; neither does it appear that they applied to the Commission appointed to adjudicate the claims of those having rights as Choctaw Indians.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A.C.Tonner

Acting Commissioner.

C.T.C.(B)

COPY.

DEPARTMENT OF THE INTERIOR. THE
WASHINGTON.

I.T.D. 3246-1903.
D.C. 10460
L R S

April 10, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

December 22, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Daniel G. Lyles (M.C.R. 5477), for himself and his nine minor children, Frances, Alfred, Lillie, Herman, Eve, Mag, Mattie, Genie and Charlie Lyles, including your decision of December 6, 1902, denying said application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Daniel Terry, who is alleged to have been a quarter blood Choctaw Indian, and of Jerry Lyles (or Lysles), who is alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 25, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(signed) THOS RYAN.

Acting Secretary.

1 inclosure.

M.C.R. 8477

Muskogee, Indian Territory, April 23, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 10th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Daniel G. Lyles, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

Tams Bixby.

Chairman.

M.C.R. 3477

COPY

Muskogee, Indian Territory, April 23, 1903.

Daniel G. Lyles,

Greensboro, Alabama.

Dear Sir:

You are hereby notified that on the 10th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Daniel G. Lyles, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

Tams Bixby.

Chairman.

Indian Miss.

Date APR 29 1902

Name Daniel G. Lyles

Age 49 Blood 1/2

Post-Office, Greensboro, Ala.

Father: Jerry Lyles (full) (?)

Mother: Betsey Flair. 1/4 L

Claims through father mother

wife Lottie Lyles L

no claim for wife.

For Allotment of Land and Money

Children:

Frances Lyles		20
Alfred	"	15
Lillie	"	14
Herman	"	11
Eva	"	9
Mag	"	8
Mattie	"	5
Genie	"	(M) 3
Charlie	"	2

Stenographer R. L. Streit

Choctaw MCR 5478

Joseph Garlick

MCR 5478

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

In the matter of the application of Joseph Garlick, et al., for identification as Mississippi Choctaws, M.C.R. 5478.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

	(Page)
Original application of Joseph Garlick, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	1
Decision of the Commission refusing the application of Joseph Garlick, et al., for identification as Mississippi Choctaws----------	8

-----o-----

5478

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 29, 1902.

In the matter of the application of Joseph Garlick for the identification of himself and one minor grandchild, William Walker, as Mississippi Choctaws.

Said Joseph Garlick, being first duly sworn, testified as follows:

APPEARANCES: J.R.Holcomb, Attorney for applicant.

Examination by the Commission.

Q What's your name? A Joseph Garlick.
Q How old are you? A Going on sixty-three.
Q How much Choctaw blood have you? A I claim to be a half.
Q What's your postoffice address? A Van Cleave, Mississippi.
Q What County? A Jackson.
Q How long have you lived in Jackson County, Mississippi? A Been born and raised there.
Q And have lived there all your life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Joseph.
Q How long has he been dead? A My father's been dead I reckon about thirty years.
Q About how old was he when he died? A He was an old man when he died.
Q Was he older than you are now? A No, I don't think he was--he died just before the surrander.
Q You think he was about the same age you are now when he died? A Yes sir, I think so.
Q Is your mother living? A Yes sir.
Q Wat's her name? A Elizabeth Garlick.
Q Where does she live? A She stays there with me.
Q Has she been before the Commission? A No sir, she isn't able to come.
Q How much Choctaw blood did your father have? A He was a Dutchman
Q How much Choctaw blood does your mother claim? A She claims to be about three-quarters--maybe a little more.
Q Do you understand how the portion of Choctaw blood is figured? A No sir, I don't.
Q Three-quarters, you know, is considerable more than half? A My mother is more than half.
Q Your father had no Choctaw blood, then? A No sir.
Q Where was your mother born? A I aint able to tell you, sir.
Q How long has she lived in Jackson County, Mississippi? A She was born and raised in Jackson County, Mississippi.
Q Lived there all her life? A Yes sir.
Q About how old is your mother? A Well, she's about eighty.
Q Does she speak the Choctaw language? A Yes sir.
Q Do you? A No sir, I can't, but she can.
Q Has she a Choctaw name? A Yes sir.

Q What's her Choctaw name? A I don't know what you mean by that.
Q The Choctaw Indians,at least the older ones,have an English name and then they have a Choctaw name,a name of their own in their language? A She don't claim anything but Elizabeth Garlick,
Q she got her Choctaw blood through her mother,you say? A Yes sir.
Q What was her mother's name? A Elizabeth.
Q What other name did she have? A I don't know what she went by.
Q Did you ever see her? A Yes sir,I've seen her.
Q How much Choctaw blood did she have? A She looked to be a squaw as well as I remember what Indian is--I've seen them and played with them.
Q You think she was a full blood Choctaw,then? A If she wasn't I don,t know what an Indian was.
Q How long has she been dead? A I couldn't tell you how long.
Q About how old were you when she died? A I expect I was fourteen, about fourteen or fifteen.
Q You don,t know where she was born? A No sir.
Q Nor when she came to Jackson County? A No sir.
Q Do you know the names of her parents? A No sir.
Q What was your mother's father's name? A I couldn't tell you that neither.
Q Did you ever see him? A No sir.
Q Do you know how much Choctaw blood he had? A No sir.
Q Do you know whether he had any or not? A No sir,I don't.
Q Did you ever hear of any of your ancestors ever having lived any place except in Jackson County,Mississippi? A No sir.
Q Is your wife living? A No sir.
Q What was her name? A Josephine.
Q Did she have any Choctaw blood? A She claimed to be a quarter.
Q Were you married more than once? A No sir.
Q Was she? A No sir.
Q How long has she been dead? A I reckon about sixteen or seventeen years.
Q Was she older or younger than you? A Younger than me.
Q About how much? A She was about three years younger than I am.
Q Was she born in Jackson County,Mississippi? A No sir.
Q Where was she born? A She was born way up in this part of the State somewhere.
Q You don,t know what County? A No sir.
Q Did she live in Mississippi all her life? A Yes sir.
Q Through which one of her parents did she get her Choctaw blood?
A From her mother.
Q What was her name? A Jane.
Q What? A Jane Danley.
Q How long has her mother been dead? A She died since the war.
Q How old would she be if she were living now? A I couldn't tell you--she was very old when she died.
Q Do you know where she was born? A No sir.
Q Do you know whether she lived in this state all her life? A No sir,I don,t.
Q Could she speak the Choctaw language? A I couldn't tell you that.
Q Did your mother's father have any Choctaw blood? A I don,t know.

Q do you know the name of Jane's father or mother? A No sir.
Q You don,t know where they lived? A No sir.
Q How many children have you living? A Eight.
Q Are any of them under age or unmarried? A All married but one.
Q what's the name of the one who isn't married? A William.
Q How old is he? A Fourteen years old.
Q Is he living with you at this time? A yes sir.
Q Is he the child of yourself and Josephine Garlick? A No sir, he's an orphan boy.
Q What was the name of his father? A Walker.
Q What other name? A James Walker.
Q How long has he been dead? A I couldn't tell you that; he run away from this country.
Q You don't know whether He's dead or not? A No sir,I don't--I heard he was in the coal mines.
Q What's the name of the mother of this child William? A Armelia.
Q How long has she been dead? A She's living.
Q Does she live with you? A No sir.
Q She's your own daughter? A yes sir.
Q Where does she live? A Perkinston ,Mississippi.
Q What County? A Harrison.
Q Has she married again? A yes sir.
Q What's her name now? A Armelia Bang, married a sonof old man Edmo Bang--he's been before the Commission.
Q Has Arnelia or her husband been before the Commission? A No sir
Q What's her husband's name? A John Bang.
Q James Walker,the father of this child,had no Choctaw blood? A Not as I know of.
Q How long has this child William been living with you? A Ever since he's been born--he's now fourteen years old.
Q Your daughter was living at home when this child was born? A Yes sir,the father of this child left the country before the child was born and I have always supported and maintained the child the same as I would one of my own children. My daughter has never attempted to exercise any control whatever over the child.
Q You have no children of your own who are under age? A No sir.
Q This application is for yourself and one minor grandchild? A Yes sir.
Q Has any application of any description ever been made before today for you or this minor grandchild for the purpose of establishing your rights as Choctaw Indians? A Not as I know of.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and one minor grandchild under the provisions of article 14 of the treaty of Dancing Rabbit Creek,do you? A yes sir.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not as I know of.
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A Not as I know of.
Q Do you know whether any of them lived here at that time? A My mother's mother.

Q Your mother must have been living somewhere at that time--she's over eighty years old? A She might have been but I couldn't say that she was--I think she must have been.
Q If she was she was living in Jackson County,Mississippi,on the Pascagoula River? A Yes sir.
Q Did anyof your Choctaw ancestors or any of your wife's Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi,for the Choctaws,know that they wanted to stay here and become citizens of the States and take land? A Not as I know of.
Q Did any of them ever claim or receive any land from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know,of,sir.
Q Did you ever hear of any of them ever having received any land or money from the Government as Choctaw Indians? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and becomecitizens of the States and take land and on this account the Government,at its public land sales here inMississippi,in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts betwenn the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between theyears 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir,not as I know of.

An act of Congress approved the 23rd day of August,1842, provided that in case it should be finally determined

that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government,he should be entitled to select,in place of the land so sold by the Government,land some place else inMississippi or in Alabama,Louisiana or Arkansas,from vacant Government land,and should be given a certificate to that effect. These certificates were called scrip.

Q Did anyof your ancestors or any of your wife's ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with th provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir,I don't.
Q Do you know of any written evidenceof any description which would prove or tend to prove such a state of facts? A No sir,I don,t know of any.
Q Have you any written evidence to offer at this time in support of your application? A No sir.
Q Have you any witnesses here today to testify in your behalf? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here in Meridian either today or tomorrow or within a reasonable time at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Commission:
Mr.Holcomb,have you anything to ask him?

Examination by Mr.Holcomb:

Q Do you think,MrGarlick,that if your mother had moved from any place else to this country you would have known about it? A I think my grandmother was raised on the Pascagoula River among the Indians because they stayed right there--I can recall the names of several of them that lived in that country.
Q Are you quite sure that if your mother hadn't been born and raised in that country you would have known about it? A yes sir, she was raised on the Pascagoula River.
Q You testified a while ago that you didn't know whether your mother lived anywhere else or not? A My mother has never lived anywhere else except in Jackson County on the Pascagoula River.

Examination by the Commission.

Q What arethe names of your children who are living,the oldest first? A Margaret Robinger-her husband is here today. Another one is Cornelia Bang.
Q What's her husband's name? A Thomas Bang.
Q He's been before the Commission,has he? A Yes sir.
Q What's the next one of your children? A Cornelia Walker. She's married again; she'snow the wife of John Bang.
Q Has she been before the Commission? A No sir.
Q Next one? A Letha McCormick.
Q Has she been before the Commission? A No sir.
Q Where does she live? A She stays there in Jackson County.
Q Next one? A Caroline Phelps.
Q Has she been before the Commission? A No sir.
Q Next one? A Elizabeth Dobson.
Q Has she been before the Commission? A No sir.
Q Next one? A George Garlick.
Q Was he been before the Commission? A No sir,not as I know of.
Q Next one? A That's about all.
Q Have you any children dead who left children? A No sir.
Q Have you any brothers living? A No sir.
Q Did you ever have any brothers? A Had one.
Q Did he leave any children? A No sir.
Q Did you ever have any sisters? A Had one.
Q What was her name? A Aldwina-shedied when I was small.
Q Did she leave any children? A No sir.
Q Did your mother ever have any brothers or sisters? A One brother
Q Is he living? A No sir.
Q Did he leave any children? A Yes sir.
Q How many? A Idon,t know how many,sir. I aint seen him for years--they're down here at Slidell,Louisiana.
Q Do you know their names? A No sir.
Q What was his name? A Phileman.
Q Phileman what? A I don't know his other name.
Q Did your mother ever have any sisters? A No sir; she had a half sister,I think.
Q What washer name? A Rose.
Q Is she living? A No sir.
Q Did she leave any children? A Yes sir.
Q Are any of them living? A I think there's one living.
Q What's that child's name? A I can't tell you what her name is-they married and went off in that country and I can't tell anything about it.

The applicant has a very dark complexion-dark eyes-his hair which is now gray has apparently been black--he has the features and facial expression of a white man--shows no particular indications of being possessed of Indian blood-does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full

Joseph Garlick,et al.,--7

all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 29,1902,and that the foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 10th day of May,1902,at Muskogee,Indian Territory.

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Joseph Garlick, et al., for identification as Mississippi Choctaws, M.C.R. 5478.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Joseph Garlick for himself and his minor grand-child, William Walker, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495).

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the principal applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Elizabeth, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty; that the minor applicant claims said rights by reason of

being a descendant of Elizabeth, and Jane Danley, the latter of whom is alleged to have been a Choctaw Indian, degree of blood not stated.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name Elizabeth (or Lizy) appears on page 109 of the Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742; that the name Bessy appears on pages 369 and 690 of said Volume; that the name Betsey appears on pages 243, 250, 616, 623, 625, 665, 735, 726 and 789 of said Volume, and on page 1023 of Volume 2 of said record; the name Betsey also appears on pages 96, 108 and 137, Volume 7, American State Papers, Public Lands; all of which citations are to certain lists, schedules and depositions relating to claims under the treaty of "Dancing Rabbit Creek." It further appears that persons bearing the names Bessy and Betsey, received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek." It does not appear from the evidence submitted by the several applicants herein that their ancestor Elizabeth, through whom they claim, is identical with the Elizabeth (or Lizy), or with any of the persons bearing a name derivative of Elizabeth which are mentioned in the records above set forth.

It does not appear from the testimony and evidence offered

in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Elizabeth, through whom applicants claim, or Jane Danley, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph Garlick and William Walker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED) Tams Bixby.
Commissioner.
MAY 4 190

SIGNED) T. B. Needles.
Commissioner.

SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
APR 17 1903

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes one copy of the testimony of Joseph Garlick in the matter of his application for the identification of himself and minor children as Mississippi Choctaws, M.C.R. 5478.

J. R. Holcomb
Atty at Law

M.C.R. 5478

COPY.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of April, 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Joseph Garlick, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph Garlick and William Walker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of t the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signed) Tams Bixby

Chairman.

M.C.R. 5478

COPY.

Muskogee, Indian Territory, April 17, 1903.

F. P. Holcomb,

Attorney-at-Law,

Purvis, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Joseph Garlick, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph Garlick and William Walker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

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time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(=D)

James Pixby

Chairman.

Registered.

M.C.R. 5478

COPY.

Muskogee, Indian Territory, April 17, 1903.

Joseph Garlick,

Vancleave, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Joseph Garlick, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph Garlick and William Walker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which tomfile arguments in this office, and that at the expiration of said time, the papers in the

case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) Tame Bixby.

Chairman.

Registered.

Muskogee, Indian Territory, May 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Joseph Garlick, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 17, 1903.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

A relationship by intermarriage exists between the applicants in this case and the applicants in the Mississippi Choctaw cases of Anton Raly, et al., Edmo Bang, et al., and Frederick Bobinger, et al., decisions in which were rendered by the Commission on April 17, 1903, and are this day transmitted to the Department.

Respectfully,

Through the
Commissioner of Indian Affairs.

Tams Bixby.

2 Enc.: M.C.R.5478.

Chairman.

(COPY)

Land.

29666--1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record and proceedings of the Commission to the Five Civilized Tribes in the matter of the application of Joseph Garlick for himself and his minor grand-child, William Walker, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission April 17, 1903.

The testimony in this case shows that the applicants base their claim to identification under this application on their descent from one Elizabeth - - -, and her daughter Elizabeth Garlick, the principal applicant's mother and Jane Danley, mother of the principal applicant's wife, it being claimed that they were Choctaw Indians and residents in Mississippi or Alabama at the time of the making of the Choctaw Treaty of 1830.

The Commission rejected the applicants because the evidence is deemed insufficient by them to establish the identity of the Elizabeth through whom they claim with the Elizabeth (or Lizy) Bessy, and Betsey that appear on their records and which they set

forth as follows: "It is found that the name Elizabeth (or Lizy) appears on Page 109 of the Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of claims No. 12 742: that the name Bessy appears on pages 369 and 690 of said Volume; that the name Betsey appears on pages 243, 250, 616, 623, 625 665, 735, 726 and 689 of said Volume, and on page 1023 of Volume 2 of said record; the name Betsey also appears on pages 96, 108 and 137, Volume 7, American State Papers, Public Lands; all of which citations are to certain lists, schedules and depositions relating to claims under the treaty of "Dancing Rabbit Creek". It further appears that persons bearing the names Bessy and Betsey, received sot scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek."

An examination of the records of this office has been made with reference to the names of Elizabeth - - -, Elizabeth Garlick and Jane Danley and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that they applied to the Commission appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, as Choctaw Indian, except the above cited record of claimant's Brief and Evidence, in reference to a Elizabeth (or Lizy), Bessy and Betsey, but there is nothing inthis case, either testimony

or affidavits that would in any way connect her with these parties and when asked by the Commission if there was any old persons who would likely know any thing in reference to these alleged ancestors or any written evidence to offer in this case, answered in the negative.

It is therefore, the opinion of this office that the decision of the Commission refusing to identify these applicants, is correct and inasmuch as they have no witnesses, affidavits or tother properly authenticated papers to offer in support of their application or to identify the Elizabeth - - -, through whom they claim with the parties heretofore mentioned, it is thought that a further hearing in this case would be useless to their case and is therefore, respectfully recommended that the decision of the Commission rejecting the applicants, be approved.

Very respectfully,

W. A. Jones,
Commissioner.

C.T.C.

D.C.27497.
ITD.5812-1903.
L.R.S.

W.C.F.
EAF.

DEPARTMENT OF THE INTERIOR,

Washington, September 29,1903.

Commission to the Five Civilized Tribes,

Muskogee,I.T.

Gentlemen:

May 4,1903,you transmitted the record in the matter of the application for identification of Joseph Garlick and his minor grandchild,William Walker,as Mississippi Choctaw Indians,including your decision of April 17,1903.

The applicants base their claims to a right to identification as Mississippi Choctaw Indians on their descent from Elizabeth and Jane Danley,it being alleged that said ancestors were Choctaw Indians and that Elizabeth was a resident of Mississippi in 1830.

The evidence furnished by the record fails to show that either of said ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or the subsequent acts of Congress relating thereto.

In your decision you state that "the name of Elizabeth (or Lizy) appears in the claimants brief and evidence in the case of the Choctaw Nation vs,the United States before the Court of Claims No.12742;" that the names of Betsey or Bessey appear upon the records in your

possession,relating to claims under the treaty of Dancing Rabbit Creek; also that persons bearing the name of Betsey and Bessy received scrip under said treaty.

The records of the Indian Office fail to furnish further information concerning persons by the same named as the applicants ancestors than that set forth in your decision.

Reporting June 23,1903,the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

As there is nothing in the record evidence which would tend to show that the applicants ancestors were identical with Elizabeth (or Lizy),or Bessy or Betsey, whose names appear upon your records,and as the principal applicant states that he knowsof no persons who would likely know whether any of his ancestors complied with the provisions of the Choctaw treaty,the Department is of the opinion that your decision is correct and the same is hereby approved.

Respectfully,

Thos.Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 5478

Muskogee, Indian Territory, October 12, 1903.

J. R. Holcomb,

Attorney at Law,

Purvis, Mississippi.

Dear Sir:

You are hereby notified that on the 29th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Joseph Garlick, et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

Tams Bixby

Chairman.

M.C.R. 5478

Muskogee, Indian Territory, October 12, 1903.

Joseph Garlick,

Vancleave, Mississippi.

Dear Sir:

You are hereby notified that on the 29th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Joseph Garlick, et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

Tams Bixby

Chairman.

M.C.R. 5478

COPY.

Muskogee, Indian Territory, October 12, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 29th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Joseph Garlick, et al., of which decision you were advised by mail on the 17th day of April, 1903.

Respectfully,

Tams Bixby
Chairman.

2149

No. 5178

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 29 1902

Name Joseph Garlick

Age 62 Blood 1/2

Post-Office, Vancleave, Miss.

Father: Joseph Garlick d

Mother: Elizabeth " 3/4 L

Claims through mother

wife Josephine Garlick 1/4 d

For [illegible] grand-
Ch[illegible]

Children:

William ~~Garlick~~ Walker

Father James Walker (nochoe) (?) 1/4 D

mother Amelia "

Stenographer J. L. Niles

Choctaw MCR 5479

Frederick Bobinger

See MCR 4729, 5360

MCR 5479

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Frederick Bobinger, et al., for identification as Mississippi Choctaws, consolidating the applications of:-

Frederick Bobinger, et al., M.C.R. 5479
Pierre Bobinger, et al., M.C.R. 4729
Willie H. Carroll, et al., M.C.R. 5360

List of papers forwarded to the Secretary of the Interior comprising the record in the above consolidated case.

	(Page)
Original application of Frederick Bobinger, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	1
Original application of Pierre Bobinger, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	5
Testimony of James Ware----------	10
Original application of Willie H. Carroll, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	12
Testimony of Hosea E. Holley----------	17
Testimony of Dr. A. N. Murphy----------	19
Decision of the Commission refusing the applications in the consolidated case of Frederick Bobinger, et al., for identification as Mississippi Choctaws----------	21

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DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Frederick Bobinger, et al., for identification as Mississippi Choctaws, consolidating the applications of

Frederick Bobinger, et al.....M.C.R. 5479
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Decision of the Commission denying the applications of Frederick Bobinger, et al., for identification as Mississippi Choctaws..16.

Department of the Interior,
Commission to the Five Civilized Tribes.
Meridian, Mississippi, April, 22, 1902.

In the matter of the application of Edmo Bang for the identification of himself, his wife Celestine and two minor grandchildren, Louis and Celestine Moore, as Mississippi Choctaws.

Hosea E. Holley, having been first duly sworn, as a witness in behalf of the above named applicant, upon his oath, testified as follows:

Examination by the Commission:

Q What is your name? A Hosea E. Holley.
Q How old are you, Mr. Holley? A Sixty-three.
Q What's your post office address? A Purvis, Marion County, Mississippi.
Q How long have you lived in Marion County? A Eleven years.
Q Where did you live before that? A Jackson County, Mississippi.
Q How long did you live there? A Been there ever since 1856.
Q Where did you live before that? A In Alabama.
Q Born up there? A Yes sir.
Q What's your occupation? A Farming.
Q Are you acquainted with the applicant, Edmo Bang? A Yes sir.
Q How long have you known him? A Ever since '56.
Q Where has he lived ever since you knew him? A Right in Jackson County.
Q Are you acquainted with his wife, Celestine? A Yes sir.
Q Known her the same length of time? A Yes sir.
Q Are you related, in any way, to them? A No sir, none in the world.
Q Are you interested in any way in the result of their applications?
A None in the world.
Q Were you acquainted with the parents of Edmo Bang? A No sir.
Q Were you acquainted with the parents of his wife, Celestine?
A No sir.

By J.R. Holcomb:
Q Now, is Edmo Bang, and his wife, Celestine, regarded as possessing Choctaw blood in that community? A Yes sir.
Q At the time you first became acquainted with them? A Yes sir.
Q And according to the current of sentiment in that community as it has existed ever since your acquaintance there, the fact of their Indian blood has never been questioned? A No sir.

By Commission:
Q How much Choctaw blood has Edmo? A I do not know; they were regarded when I went there as springing from Choctaw Indians; that's what the old persons told me.
Q Have you no idea how much he had? A No sir.
Q Don't know anything about how much his parents had? A No sir.

Q Do you know how much his wife has? A No sir.
Q Do you know how much either of her parents had? A No sir, I do not. I don't know only what I have heard, you know.
Q Well, what have you heard about it? A Well, the old Americans there when I went there, said some of the first were full blood Indians, and some half.
Q Well, they didn't refer particularly to the relations of these people? A No sir, they all lived together there nearly like a tribe of Indians, you know.

By J.R. Holcomb:
Q At that time, when all these Americans classed different ones up as being as much as one half Indian blood, were these individual claimants, Mr. Edmo and his wife, considered at that time as having as much blood as any others in that community? A I think so.

By Commission:
Q You dont know whether any of the ancestors of any of these people ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder, do you? A No sir.

By J.R. Holcomb:
Q During your residence in that community, Mr. Holley, from 1856 up until about ten years ago, when you moved to Marion County, did you ever hear of any opportunity being afforded those Indian descendants to appear before an agent of the Government and register, or signifying their willingness to accept the provisions of the treaty of 1831? A No sir.
Q Do you know whether or not ever such an agent of the Government—if such an agent of the Government had have ever been stationed in reach of those people, that you would have most likely heard of it? A It looks like I would have heard something about it.
Q You were a confederate soldier and took a leading part, and were associated with the leading people of that section of the country during those times, and soon after? A Yes sir.
Q How far was that section of the country remote from railroad or steamboat connections? A

Q By Commission:
At what time?

By J.R. Holcomb:
Q Along at the time you first became acquainted with that country?
A The Mobile and Ohio was the nearest railroad was running there then; Ocean Spring was the nearest steamboat.
Q Do you know whether these people were isolated and shut off from the outside intelligence? A I think they was, in a measure.
Q Where did they do their trading - where did they buy their goods at that time? A From Mobile generally.
Q How far is Mobile from Van Cleave? A Fifty miles.
Q How far is it from the place of residence of these people?

A Van Cleave?
Q Mobile? A About fifty miles, I suppose, from where they reside to Mobile.

(Witness is a white man of average intelligence.)
(Witness excused).

Dr. R.N. Murphy, having been first duly sworn as a witness in behalf of the above named applicant, upon his oath, testified as follows:

Examination by the Commission:

Q What is your name? A R.N. Murphy.
Q How old are you? A Fifty-eight the 28th of this month.
Q What is your post office address? A Van Cleave, Mississippi.
Q What county? A Jackson.
Q How long have you lived in Jackson County? A Nine years.
Q Where did you live before that? A Biloxi.
Q How long did you live there? A Two years.
Q Where did you live before that? A Mobile.
Q How long did you live there? A Three years.
Q Where before that? A Well, I lived in Butler County, Alabama.
Q How long? A About twelve or fifteen years, I don't recollect, exactly, nearly thirteen years.
Q Where did you live before that? A I was born and raised in one hundred and fifty miles north of Mobile, Claiborne County, Alabama; I was born in five miles of there, in Clark County, the river is a line there, but I was born in Monroe County.
Q What is your occupation? A Physician.
Q Are you acquainted with the applicant, Edmo Bang? A Yes sir.
Q How long have you known him? A Nine years.
Q Are you acquainted with his wife, Celestine? A Yes sir.
Q How long have you known her? A About the same time.
Q You are no relation to them? A No sir.
Q Are you interested in any way in the result of their applications?
A No sir, only that they get it if they can.
Q You are not financially interested? A No sir.

By J.H. Holcomb:
Q You were raised within a range of seventy-five or a hundred miles of this particular locality? A I don't know about that; I was raised at Clairborne, one hundred and fifty miles above Mobile; on an air line, of course, its nearer than that, one hundred or one hundred and twenty five miles, I suppose, from Van Cleave.
Q To where you were raised? A Yes sir.
Q And after you grew up, you have resided from time to time nearer those people? A Yes sir.
Q Do you know whether or not the Government ever afforded these claimants a reasonable opportunity to accept and comply with the provisions of the treaty? A No sir, I know nothing of that. If I did, I paid no attention to it.
Q You think, according to your associations and being identified with the older settlers at Van Cleave, and that immediate surrounding country, that if there had been an agent of the Government stationed in reach of those people, you would have heard of it? A Yes sir, I think so.

By Mr. Holcomb:
Can I make a statement?

By Commission:
Yes sir.

By Mr. Holcomb:
I saw where there was parties in Meridian from the Indian Territory - I saw that in the newspaper - getting up these claims, and I notified these people of that fact. I became interested on account of their being in the community; they were ignorant of these sort of things, and they told me they had never heard anything like that at that time, or before, or never had heard of anything like that, and they were not at all prejudiced about it; they didn't want to fool with it, thought they were going to be taken up and carried off, and after I told them the United States Government wasn't going to do anything like that; that they did things right, and they would treat them like they did any other citizen of the United States, and the United States Government was only trying to give them, if they were justly entitled to these lands - that the Government wanted to give it to them.

By Commission:
Anything else along that line you want to ask, Mr. Holcomb?

By J.R. Holcomb:
During your residence in that community, Doctor, have these claimants, Edmo and Celestine Bang, been regarded as being possessed of Indian blood? A Yes sir, I have always been told that by the older settlers, that they were just what they said they were, part Indian.
Q Have you ever heard that sentiment, or that report, disputed, contradicted or denied? A No sir.

By Commission:
Q You don't know, Doctor, whether any of the ancestors of Celestine oe Edmo ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A No sir.
Q Nothing about that? A No sir, well I heard of hearsay that there has been nothing of that sort by the older settlers, but of my own personal knowledge, I do not.
Q You never heard of any of them ever having received any benefits whatever as Choctaw Indians? A No sir, nothing at all.

(Witness is a white man of average intelligence.)

I, Beryl Ingram, stenographer for the Commission to the Five Civilized Tribes, having been first duly sworn upon oath, do hereby state that the above and foregoing is a true and correct copy of the transcript of the evidence given by said witnesses in said cause as the same appears upon the records of the Commission to the Five Civilized Tribes.

Beryl Ingram

Subscribed and sworn to before me this 1st day of December, 1902.

Charles H. Sampson

Notary Public.

Wert

5479

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 29, 1902.

In the matter of the application of Frederick Bobinger for the identification of himself, his wife Margaret, and eight minor children, Arthur, Joseph, Josephine, Odie, Mitchell, Elizabeth, Margaret and Edna Ann, as Mississippi Choctaws.

APPEARANCES: J.R. Holcomb, Attorney for applicant.

Said Frederick Bobinger, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Frederick Bobinger.
Q What's your age? A I'm going on fifty-one.
Q How much Choctaw blood have you? A Supposed to be half.
Q What's your postoffice address? A Van Cleave.
Q What County? A Jackson.
Q How long have you lived in Jackson County, Mississippi? A All my life.
Q Is your father living? A No sir.
Q What was his name? A John Bobinger.
Q Is your mother living? A No sir.
Q What was her name? A Teniese Bobinger.
Q Through which one of your parents did you derive your Choctaw blood? A Through my mother's side.
Q Your father had none? A No sir.
Q How much Choctaw blood did your mother have? A She was supposed to be mighty near a full blood.
Q Could she speak the Choctaw language? A I don't know, sir--I never heard her.
Q Can you? A No sir.
Q How long has she been dead? A She's been dead about eighteen years.
Q About how old was she when she died? A Sixty some odd.
Q Where was she born? A In Jackson County.
Q Lived there all her life? A Yes sir.
Q What was the name of her father? A I don't know sir.
Q Her mother? A Couldn't tell you that, either.
Q Did you ever see either of them? A No sir.
Q You don't know anything about them? A No sir.
Q Or where they lived? A No sir, couldn't tell you that either.
Q What's your wife's name? A Margaret.
Q Are you living together now? A Yes sir.
Q How much Choctaw blood do you claim your wife has? A Supposed to be a quarter.
Q Do you want to make application for her too? A Yes sir.
Q How old is she? A Thirty-six.
Q When were you married to her? A In 1883.
Q Married under a license? A Yes sir.

Q Where? A Scranton,Mississippi--I got the license there.
Q Who married you? A H.C.Havens.
Q What official positioj did he hold at that time? A He was a member of the board of supervisers.
Q Has Margaret lived in Jackson County all her life? A Yes sir.
Q Is her father living? A Yes sir-~~xxxxx~~ he's here today.
Q What's his name? A Joe Garlick.
Q Is her mother living? A No sir.
Q What was her name? A Josephine.
Q Is Joe Garlick who appeared before the Commission here this morning your wife's father? A Yes sir.
Q How many children have you living? A Eight.
Q What are their names and ages? A Arthur.
Q Is that a boy? A Yes sir.
Q How old is he? A About eighteen years old.
Q Next one? A Joseph.
Q How old? A Sixteen.
Q Next one? A Josephine.
Q How old? A Fourteen.
Q Next one? A Odie.
Q Boy or girl? A Girl.
Q How old? A Twelve.
Q Next one? A Mitchell.
Q How old? A Nine.
Q Next one? A Elizabeth.
Q How old? A Seven.
Q Next one? A Margaret.
Q How old? A Five.
Q Next one? A Edna Ann.
Q How old? A Nine months old.
Q Is that all of your children? A Yes sir.
Q Are they all the children of yourself and Margaret Bobinger? A Yes sir.
Q Are they all living with you at this time? A Yes sir.
Q This application,then,is for yourself,wife and eight minor children? A Yes sir.
Q Was any applicationof any description ever ben made before today for you or any of these minor children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and eight minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q You understand that 14th article? A Yes sir.
Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? A None that I know of.
Q Did any of them own an improvement here in the old Choctaw Nation inMississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A I don't know,sir.
Q Did any of them remove to the present Choctaw Nation in Indian Territory at thetime of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I couldn't tell you.
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was made let the Agent of the Government here in

Mississippi,for the Choctaws,know that they wanted to stay here and become citizens of the states and take land? A Not that I know of.
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United states under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.
Q Did they ever receive any land anywhere from the Government?
A No sir,not that I know of.
Q Or any money? A No sir.

In accordance with the provisions of this14 th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the states and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government,at its public land sales here in Mississippi,in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty; this caused a great deal of complaintsamong the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did anyof your ancestors or your wife's ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek?
A No sir,not that I know of.

An Act of Congress approved the 23rd dayof August,1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government,he should be entitled to select,in place of the land so sold by the Government,land some place else in Mississippi or in Alabama Louisiana or Arkansas,from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did anyof your ancestors or any of your wife's ancestors ever get anyof this scrip from the Government under this act of Congress? A Not that I know of.
Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't.
Q Do you know of any written evidence in existence which would prove or tend to prove such a stateof facts? A No sir.
Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.
Q Any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here in Meridian either today ortomorrow or within a reasonable time at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

Q Are there any further statemnts you want to make at this time in support of your application? A No sir.
Q Have you any brothers living? A Yes sir.
Q How many? A About four.
Q What are their names? A Sam,Alex,Mike and Pierre; Pierre has been before the Commission.
Q Have you any sistes living? A yes sir.
Q How many? A Four.
Q What are their names? A Elizabeth Gill.
Q Next one? A Olevia Ely.
Q Next one? A Wilhemina Carrell--she's been before the Commission.
Q Next one? A There's one dead--hername was Mary Jane.
Q You only have three sisters living,then? A Yes sir.

The applicant has black hair,dark eyes and very dark complexion--his features anf facial expression,however,are those of a white person--does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 29th,1902,and that the above and foregoing is a full true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 10th day of May,1902,at Muskogee,Indian Territory.

Charles H. Sawyer

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of Frederick Bobinger, et al., for identification as Mississippi Choctaws, consolidating the applications of:-

Frederick Bobinger, et al., M.C.R. 5479
Pierre Bobinger, et al., M.C.R. 4729
Willie H. Carroll, et al., M.C.R. 5360

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Frederick Bobinger for himself, his wife, Margaret Bobinger, and his eight minor children, Arthur, Joseph, Josephine, Odie, Mitchell, Elizabeth, Margaret and Edna Ann Bobinger; by Pierre Bobinger for himself, his wife, Mary Bobinger, and his eight minor children, Linnie, Martha T., Levi, Ella, Sarah, Leonard, Soulie E. and Ferdinand C. Bobinger; and by Willie H. Carroll for herself and her nine minor children, John E., Grover C., Joseph W., Arthur H., Effie J., Abiser, Catherine O., Samuel F. and Hamilton B. Carroll, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United

States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that principal applicants, Frederick Bobinger, M.C.R. 5479, Pierre Bobinger, M.C.R. 4729, and all the applicants in M.C.R. 5360, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Alex C. Ladnier, who is alleged to have been a Choctaw Indian, degree of blood not positively stated; that Margaret Bobinger applied for in M.C.R. 5479 claims said rights by reason of being a descendant of Joe Garlick, who is alleged to be a Choctaw Indian, degree of blood not stated; that Mary Bobinger applied for in M.C.R. 4729, claims said rights by reason of being a descendant of Rose Bang, who is alleged to have been a Choctaw Indian, degree of blood not stated; that minor applicants applied for in M.C.R. 5479, claim said rights by reason of being descendants of Alex C. Ladnier and Joe Garlick; and that minor applicants applied for in M.C.R. 4729, claim said rights by reason of being descendants of Alex C. Ladnier and Rose Bang.

It appears from the evidence submitted by the applicants that in some instances they claim from more remote or other contemporaneous Choctaw ancestors than the ones above given, but are unable to state specifically the names of such ancestors, and it is therefore impossible for the Commission to determine whether or not such ancestors were beneficiaries under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by

the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Alex C. Ladnier, or any person bearing the surname of Ladnier, or Joe Garlick, or Rose Bang, or any person bearing the surname of Bang, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frederick Bobinger, Margaret Bobinger, Arthur Bobinger, Joseph Bobinger, Josephine Bobinger, Odie Bobinger, Mitchell Bobinger, Elizabeth Bobinger, Margaret Bobinger (2), Edna Ann Bobinger, Pierre Bobinger, Mary Bobinger, Linnie Bobinger, Martha T. Bobinger, Levi Bobinger, Ella Bobinger, Sarah Bobinger, Leonard Bobinger, Soulie E. Bobinger, Ferdinand C. Bobinger, Willie H. Carroll, John E. Carroll,

Grover C. Carroll, Joseph W. Carroll, Arthur H. Carroll, Effie J. Carroll, Abizer Carroll, Catherine O. Carroll, Samuel F. Carroll and Hamilton BO. Carroll, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
~~Acting~~ Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

APR 17 1903.

Muskogee, Indian Territory September 6, 1902.

Received of the Commission to the Five Civilized Tribes one copy of the testimony of Frederick Bobinger in the matter of his application for the identification of himself, his wife and minor children as Mississippi Choctaws, M.C.R. 5479.

J. R. Holcomb
Atty at Law

M.C.R. 5479

COPY.

Muskogee, Indian Territory, April 17, 1903.

Frederick Bobinger,

Vancleave, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Frederick Bobinger, et al., embracing the following applications for identification as Mississippi Choctaws:

Frederick Bobinger, et al.,	M.C.R. 5479
Pierre Bobinger, et al.,	M.C.R. 4729
Willie H. Carroll, et al.,	M.C.R. 5360

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frederick Bobinger, Margaret Bobinger, Arthur Bobinger, Joseph Bobinger, Josephine Bobinger, Odie Bobinger, Mitchell Bobinger, Elizabeth Bobinger, Margaret Bobinger (2), Edna Ann Bobinger, Pierre Bobinger, Mary Bobinger, Linnie Bobinger, Martha T. Bobinger, Levi Bobinger, Ella Bobinger, Sarah Bobinger,

Leonard Bobinger, Goulie E. Bobinger, Ferdinand C. Bobinger, Willie H. Carroll, John E. Carroll, Grover C. Carroll, Joseph W. Carroll, Arthur H. Carroll, Effie J. Carroll, Abiser Carroll, Catherine O. Carroll, Samuel F. Carroll and Hamilton B. Carroll, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Registered. Chairman.

M.C.R. 5479

COPY.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Frederick Bobinger, et al., embracing the following applications for identification as Mississippi Choctaws:

Frederick Bobinger, et al.,	M.C.R. 5479
Pierre Bobinger, et al.,	M.C.R. 4729
Willie H. Carroll, et al.,	M.C.R. 5360

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this commission that the evidence herein is insufficient to determine the identity of Frederick Bobinger, Margaret Bobinger, Arthur Bobinger, Joseph Bobinger, Josephine Bobinger, Odie Bobinger, Mitchell Bobinger, Elizabeth Bobinger, Margaret Bobinger (2), Edna Ann Bobinger, Pierre Bobinger, Mary Bobinger, Linnie Bobinger, Martha T. Bobinger, Levi Bobinger, Ella Bobinger, Sarah Bobinger, Leonard Bobinger, Soulie E. Bobinger, Ferdinand C. Bobinger, Willie H. Carroll, John E. Carroll, Grover C. Carroll, Joseph W. Carroll, Arthur H. Carroll, Effie J. Carroll, Abizer Carroll, Catherine O. Carroll, Samuel F. Carroll and Hamilton B. Carroll, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of

eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

M.C.R. 5749

COPY

Muskogee, Indian Territory, April 17, 1903.

J. P. Holcomb,
Attorney at Law,
Purvis, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Frederick Bobinger, et al., embracing the following applications for identification as Mississippi Choctaws:

Frederick Bobinger, et al.,	M.C.R. 5479
Pierre Bobinger, et al.,	M.C.R. 4729
Willie M. Carroll, et al.,	M.C.R. 5360

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frederick Bobinger, Margaret Bobinger, Arthur Bobinger, Joseph Bobinger, Josephine Bobinger, Odie Bobinger, Mitchell Bobinger, Elizabeth Bobinger, Margaret Bobinger (2), Edna Ann Bobinger, Pierre Bobinger, Mary Bobinger, Linnie Bobinger, Martha T. Bobinger, Levi Bobinger, Ella Bobinger, Sarah Bobinger,

Leonard Bobinger, Soulie E. Bobinger, Ferdinand C. Bobinger, Willie H. Carroll, John E. Carroll, Grover C. Carroll, Joseph W. Carroll, Arthur H. Carroll, Effie J. Carroll, Abizer Carroll, Catherine O. Carroll, Samuel F. Carroll and Hamilton B. Carroll, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

COPY.

Muskogee, Indian Territory, May 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Frederick Bobinger, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 17, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Frederick Bobinger, et al. M.C.R.5479;
Pierre Bobinger, et al., M.C.R.4729;
Willie H. Carroll, et al., M.C.R.5360.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

A relationship by intermarriage exists between the applicants in this case and the applicants in the Mississippi Choctaw cases of Anton Daly, et al., Edmo Bang, et al., and Joseph Garlick, et al., decisions in which were rendered by the Commission on April 17, 1903, and are this day transmitted to the Department.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc.: M.C.R.5479.

Copy.

Land. DEPARTMENT OF THE INTERIOR,

29663-1903. OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for your consideration the record and proceedings of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Frederick Bobinger for himself, his wife, Margaret Bobinger, and his eight minor children, Arthur, Joseph, Josephine, Odie, Mitchell, Elizabeth, Margaret, and Edna Ann Bobinger; by Pierre Bobinger for himself, his wife, Mary Bobinger, and his eight minor children, Linnie, Martha T., Levi, Ella, Sarah, Leonard, Soulie, E. and Ferdinand C. Bobinger; and by Willie H. Carroll for herself and her minor children, John E., Grover C., Joseph W., Arthur H., Effie J., Abizer, Catherine O., Samuel F. and Hamilton B. Carroll, wherein a decision adverse to the applicants was rendered by the Commission April 17, 1903.

The testimony in this case shows that the applicants base their

claim to identification under this application on their descent from the following ancestors: Alex C. Ladnier, through his daughter, TenieseeBobinger, nee Ladnier, Joe Garlick, Rose Bang, through her son, Pierre Bang, it being claimed that they were all Choctaw Indians and residents in Mississippi or Alabama at the time of the making of the treaty of 1830. The applicants do not know of the compliance or attempted compliance, on the part of these ancestors, with the provisions of the 14th article of the treaty of 1830; nor whether they were recognized members of the Choctaw tribe of Indians.

The Commission rejected the applicants because the name of the ancestors through whom they claim do not appear on the records among the names of those who complied or attempted to comply with the provisions said article and treaty and for the additional reason that the applicants have none of them ever been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of these alleged ancestors and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of article and treaty aforesaid; neither does it appear that they applied to the Commissions appointed under Acts. of March 3, 1837 and August 23, 1842, for an adjudication of their rights; if they had any, as Choctaw Indians.

These being the facts, it is the opinion of this office that the

Commission is correct in its finding, refusing to identify these applicants as Mississippi Choctaws, and it is therefore, respectfully recommended that their decision rejecting the applicants, be approved.

Respectfully,

W. A. Jones,

Commissioner.

C. T. C.

COPY.

J.P. DEPARTMENT OF THE INTERIOR, WCF.

D.C.18978. WASHINGTON, HAF.

ITD. 5174-1903. July 7, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

May 4, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Frederick Bobinger, his wife, Margaret Bobinger, and his minor children, Arthur, Joseph, Josephine, Odie, Mitchell, Elizabeth, Margaret and Edna Ann Bobinger; of Pierre Bobinger, his wife, Mary Bobinger, and his minor children, Linnie, Martha T., Levi, Ella, Sarah, Leonard, Soulie E. and Ferdinand C. Bobinger; and of Willie H. Carroll and her minor children, John E., Grover C., Joseph W., Arthur H., Effie J., Abizer, Catherine O., Samuel F. and Hamilton B. Carroll. On April 17, 1903, you rendered a decision refusing said applications.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Alex C. Ladnier, through his daughter, Teniese Bobinger; of Rose Bang, through her son, Pierre Bang; and of Joe Garlick, it being alleged that said

ancestors were possessed of Choctaw Indian blood, and were residents of Mississippi or Alabama at the time of making the treaty of 1830.

The evidence presented by the applicants and the records of the Indian Office fail to show that any one of the said ancestors of the applicants complied or attempted to comply with article 14 of the treaty of 1830, or with either of the subsequent acts of Congress relating thereto.

Reporting June 19, the Commissioner of Indian Affairs recommends that your decision be approved; a copy of his letter is inclosed herewith.

The Department finds no reason to disturb your decision and it is hereby affirmed.

Respectfully,

Thos Ryan,
Acting Commissioner.

1 inclosure.

M.C.R. 5479.

COPY.

Muskogee, Indian Territory, July 28, 1903.

Frederick Bobinger,

Vanoleave, Mississippi.

Dear Sir:-

You are hereby notified that on the 7th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frederiak Bobinger et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

M.C.R. 5479.

COPY

Muskogee, Indian Territory, July 28, 1903.

J. R. Holcomb,

Attorney at Law,

Purvis, Mississippi.

Dear Sir:-

You are hereby notified that on the 7th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frederack Bobinger et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

M.C.R. 5479.

COPY.

Muskogee, Indian Territory, July 28, 1903.

Mansfield McMurry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 7th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frederick Bobinger et al., of which decision you were advised by mail on the 17th day of April, 1903.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

mcr 5479

Frederick Bobinger 50-½

mar

⊕ Margaret Garlick 36-¼

mcr 5479

Arthur Bobinger 18
" Joseph " 16
" Josephine " 14
" Odie " 12
" Mitchell " 9
" Elizabeth " 7
" Margaret " 5
" Edna Ann " 9m

Alex. P. Ladnier ½ or ¾ dead

wife

× Ladnier (fb or ½)

Femise Ladnier dead

mar

John Bobinger (or Bobbinga) dead

mcr

Pierre Bobinger 43-½

mar

Mary Baug

mcr 1879

Linnie Bobinger 18
" Martha J. " 16
" Levi " 13
" Ella " 11
" Sarah " 9
" Leonard " 8
" Soulie E. " 6
" Ferdinand S. " 2

Wills b
MCR 5 5cl

Consolidated Case

Frederick Bohlinger et al

(2)

John E. Carroll 18
Grover C. " 15 +
Joseph W. " 14
Arthur H. " 12
Effie J. " 10
Abizer " 7
Catherine O. " 5
Samuel F. " 3
Hamilton B. " 1

Willie H. Bobinger 37 1/4
mar
Abizer Carroll

Alex C. Ladnier 1/2 or 3/4
dead
wife
X Ladnier (fb. or ½)

Teniese Ladnier
dead
mar
John Bobinger
(dead)

Valentine Bobinger
Emichael Bobinger
Sam Bobinger
Alex Bobinger
Mike Bobinger
Elizabeth Bobinger
mar
John Gill
Olevia Bobinger
mar
Joseph Ely (or Ealy)

+ See mck 4725

No. 3179

For Identification as a Mississippi Choctaw.

Meridian Miss.

APR 29 1902

Date

Name Frederick Bobinger

Age 50 Blood 1/2

Post-Office Vancleave, Miss.

Father John Bobinger d

Mother Jeniese " d

Claims through mother

Wife Margaret Bobinger (1/4) 36

Father Jack Carlick. d

Mother Josephine " d

Wife claims through both parents.

For child

Children

Arthur	Bobinger		18
Joseph	"		16
Josephine	"		14
Odie	"	F	12
Mitchell	"		9
Elizabeth	"		7
Margaret	"		5
Edna Ann	"		9mo

Stenographer I. S. Niles.

Choctaw MCR 5480

Mary Jane Waltman

See MCR 5356

MCR 5480

5480

DEPARTMENT OF THE INTERIOR,
COMMISSIONTO THE FIVE CIVILIZED TRIBES,
Meridian,Mississippi,April 29,1902.

In the matter of the application of Mary Jane Waltman for the identification of herself and seven minor children,Sylvester, Willie J., James,Ernest,Mary M.,John and Lee,as Mississippi Choctaws.

APPEARANCES: J.R.Holcomb, Attorney for applicant.

Said Mary Jane Waltman,being first duly sworn,testified as follows:

Examinationby the Commission.

Q What's your name? A Mary Jane Waltman.
Q How old are you? A I couldn't tell you exactly.
Q About how old? A About forty-six,as near as I can tell.
Q How much Choctaw blood do you claim to have? A About half,I reckon.
Q What's your postoffice address? A Van Cleave.
Q What County? A Jackson County.
Q How long have you lived in Jackson County,Mississippi? A Born and and raised there.
Q Lived there all your life? A Yes sir.
Q Is your father living? A Yes sir.
Q What's his name? A Edmo Bang.
Q He has been before the Commission has he not? A Yes sir.
Q Is your mother living? A Yes sir.
Q What's her name? A Celestine.
Q Through which one of your parents do you get your Choctaw blood? A Both parents.
Q Where do your parents live? A Jackson County,Mississippi.
Q Have they both lived there all their lives? A Yes sir,born and raised there.
Q Do you know the names of any of your grandparents? A No sir.
Q Do your parents speak or understand the Choctaw language? A Yes sir.
Q Can you speak or understand it? A No sir,nothing but French and American.
Q Did you ever hear of any of your Choctaw ancestors living anywhere except in Jackson County,Mississippi? A No sir,not as I know of.
Q Is your husband living? A No sir.
Q What was his name? A Jesse Waltman.
Q Was he a Choctaw? A No sir,full blood white man.
Q Were you ever married more than once? A No sir,just once.
Q How many children have you living who are under 21 years of age and unmarried? A Seven.
Q What are the names and ages of these children? A Sylvester.
Q Abouthow old is he? A I reckon about eighteen.
Q Next one? A Willie J.
Q About how old? A About sixteen.
Q Next one? A James, fourteen.
Q Next one? Ernest, twelve.
Q Next one? A Mary M., ten.
Q Next one? A John, eight.
Q Next one? A Lee, six.

Q These children are all living with you at this time? A Yes sir.
Q Are they all the children of yourself and Jesse Waltman? A Yes sir,they're my own blood children and jesse Waltman.
Q This application,then,is for yourself and seven minor children? A Yes sir.
Q Has any application of any description ver been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and seven minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q You understand that 14th article? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? A No sir.
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made--that was 72 years ago? A I don't know anything about that.
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portionof the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi,for the Choctaws,know that they wanted to stay here and become citizens of the States and take land? A I don't know.
Q Did any of thm ever claim or receive anyland from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Idon't know nothing about that.
Q Did you ever hear of any of your people ever having gotten any land from the Government? A No sir.
Q Or any money? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government,at its public land sales here in Mississippi,in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had beensold by the Government. These Commissioners were appointed by the President and they came

down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt toestablish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

An act of Congress approved the 23rd day of August,1842, that was about twenty years before you wee born--provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek--that is he had done everything that the 14th article said he should do--but that his land had been sold by the Government, he should be entitled to select in place of the land so sold by the Government,land some place else in Mississippi or in Alabama,Louisiana or Arkansas,from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress--do you know about that? A I don't know.
Q If any of your people ever got and land or money or scrip from the Government you never heard of it,then? A Never heard of it that I know of.
Q Do you know of any old person living who would likely know whether any of your people ever complied with this 14th article of the treaty of Dancing Rabbit Creek or ever got any land or scrip under it? A No sir.
Q Do you know of any deeds of patents or papers of any kind which would tend to prove that they did? A No sir.
Q Have you any written evidence to offer at this time in support of your application--any papers you want to file? A No sir.
Q You have no witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us either today or tomorrow here at Meridian,or within a reasonable time at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q How many children have you who are of age or married? A Three of are.
Q What are their names? A Richard Waltman, Jefferson and Henry.
Q Where do they live? A They live near me.
Q Have they been before the Commission? A No sir.

The applicant has the appearance of being possessed of as much Indian blood as is claimed by her--she has very dark skin--she has a brownish hue, high cheek bones, dark eyes--her hair is black and perfectly straight. She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in theabove entitled cause, heard at Meridian, Mississippi, April 29, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 12th day of May, 1902, at Muskogee, Indian Territory.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes one copy of the testimony of Mary Jane Waltham in the matter of her application for the identification of herself and minor children as Mississippi Choctaws, M.C.R. 548.

M.C.R. 5480

COPY.

Muskogee, Indian Territory, April 17, 1903.

Mary Jane Waltman,

Vancleave, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Edmo Bang, et al., embracing the following applications for identification as Mississippi Choctaws:

Edmo Bang, et al.,	M.C.R. 5356
Margaret Ann Mason,	M.C.R. 5358
Celestine Davis, et al.,	M.C.R. 5359
Mary Jane Waltman, et al.,	M.C.R. 5480
Benjamin Bang, et al.,	M.C.R. 4728
Frank Bang, et al.,	M.C.R. 4726
Henry Bang, et al.,	M.C.R. 5482
Edward Bang, et al.,	M.C.R. 4727

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Edmo Bang, Celestine Bang, Louis Moore, Celestine Moore, Margaret Ann Mason, Celestine Davis, Martha C. Davis, Ransom H. Davis, Mary Jane Waltman, Sylvester Waltman, Willie J. Waltman, James Waltman, Ernest Waltman, Mary M. Waltman, John Waltman, Lee Waltman,

M. J. W. ----2.

Benjamin Bang, Rosalie Bang, Frank Bang, Frank Bang (2), Cornelia Bang, Calhoun Bang, Mary Bang, Willie Bang, Henry Bang, Nancy E. Bang, Rufus Bang, Mary Bang (2), Edward Bang, Viola Bang, Diola Bang, Teniese Bang, Rosa Bang, Mandy Bang, Arlonie Bang, Ezien Bang and Edward Bang , jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGN

Registered.

Tams Bixby

Chairman.

M. C. R. 5430.

COPY.

Muskogee, Indian Territory, July 27, 1903.

Mary Jane Waltman,

Vancleave, Mississippi.

Dear Madam:-

You are hereby notified that on the 7th day of July, 1903, the Secretary of the Interior affirmed the decsion of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Edmo Bang et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

T. B. [illegible]

Commissioner in Charge.

#2151 No. 5180

For Identification as a Mississippi Choctaw.

Meridian Miss

Date APR 29 1902

Name Mary Jane Waltman

Age 46 Blood 1/2

Post-Office Vancleave, Miss.

Father Edmo Bang d

Mother Celestine " d

Claims through both parents.

husband Jesse Waltman (white) d

Children

Sylvester Waltman 18

Willie J. " 16

James " 14

Ernest " 12

Mary M " 10

John " 8

Lee " 6

Stenographer T. S. Niles.

Choctaw MCR 5481

Eldwena Ealy

See MCR 4722

MCR 5481

5481

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 29, 1902.

In the matter of the application of Eldwena Ealy for the identification of herself and four minor children, Masaline, Bessie, Ella and Laura, as Mississippi Choctaws.

APPEARANCES: J.R. Holcomb, Attorney for applicant.

Said Eldwena Ealy, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Eldwena Ealy.
Q How old are you? A I don't know exactly.
Q About how old do you think you are? A About thirty.
Q How much Choctaw blood have you? A Half.
Q What's your postoffice address? A Van Cleave, Mississippi, Jackson County.
Q How long have you lived in Jackson County, Mississippi? A All my life.
Q Is your father living? A Yes sir.
Q What's his name? A Anton Ealy.
Q Is your mother living? A Yes sir.
Q What's her name? A Madaline.
Q Through which one of your parents do you derive your Choctaw blood? A From both.
Q Has your father been here before the Commission? A Yes sir.
Q When? A He come up here last February.
Q Through which one of his parents did your father get his Choctaw blood? A From his father.
Q What was his name? A I don't know, sir.
Q Do you know your father's mother's name? A Yes sir.
Q What was her name? A Mary.
Q Did she have any Choctaw blood at all? A No sir.
Q What was she? A American.
Q Through which one of her parents did your mother get her Choctaw blood? A From both sides.
Q What was her father's name? A I don't know, sir.
Q What was her mother's name? A Rose.
Q What other name did she have? A Rose Bang.
Q Are you married? A No sir.
Q Have you ever been married? A No sir.
Q Have you any children? A Yes sir, I have four.
Q What are their names and ages? A Masaline, fifteen.
Q Next one? A Bessie, thirteen.
Q Next one? A Ella, ten.
Q Next one? A Laura, seven.
Q Are these children all living with you at this time? A Yes sir, all but two and they stays with my father--the two oldest stay with my father and the other ones stays with me.
Q Is the father of Masaline living? A No sir.

Q What was his name? A Ezien Page.
Q Is the father of Bessie living? A He was the same man.
Q Is the father of Eula living? A Yes sir.
Q What's his name? A Page.
Q What othername has he? A Robert Page.
Q Is the father of Laura living? A Yes sir,he's the same man.
Q Has Robert Page any Choctaw blood? A I don't know,sir.
Q Did Ezien have any Choctaw blood? A If he did it was very little--that's more than I know.
Q Were you married to Ezien or Robert? A No sir,neither one of them.
Q Never lived together as husband and wife? A No sir.
Q This application is for yourself and four minor children,is that right? A Yes sir.
Q Has any application of any description ever been made before today for you or anyone of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No sir.
Q Do you know about that? A Not that I know of.
Q Did any of them own an improvement here 72 years ago when this treaty was made? A I don't know that.
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir,not as I know of.
Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi,for the Choctaws,know that thy wanted to stay here and become citizens of the States and take land? A I don't know,sir.
Q Did any of them ever claim or receive any land from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir,not as I know of.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agnt failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the State s and take land and on this account the Government,at its public land sales here in Mississippi,in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought

to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir,not as I know of.

An act of Congress approved the 23rd day of August,1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government,he should be entitled to select,in the place of the land so sold by the Government,land some place else here in Mississippi or in Alabama,Louisiana or Arkansas,from vacant Government land,and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A No sir,not as I know of.
Q Do you know of any written evidence of any description which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
Q Do you know of any old persons living who would likely know about that? A No sir,I don't.
Q Have you any written evidence of any kidd to offer at this time in support of your application? A No sir.
Q Have you any witnesses here today to testify in your behalf?
A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission,they may appear before us here at Meridian today or tomorrow,or within a reasonable time at the office of the Commission in Muskogee,Indian Territory,and their testimony will be taken.

Q Are there any further atstements you want to make at this time in support of your application? A No sir.

Q Do these children of yours bear your surname? A Yes sir.
Q All of them are called Haly? A Yes sir.
Q You don't speak or understand the Choctaw language,do you? A No sir.

The applicant has the features and facial expression of a white person--herhair is black---perfectly straight--her eyes are black--her skin is very dark--she does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 29th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 12th day of May,1902, at Muskogee,Indian Territory.

Charles N. Sawyer
Notary Public.

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes one copy of the testimony of Eldwena Ealy in the matter of her application for the identification of herself and minor children as Mississippi Choctaws, M.C.R. 5481.

J. P. Hickman
Atty at Law

M.C.R. 5481

COPY.

Muskogee, Indian Territory, April 17, 1903.

Eldwena Ealy,

Vancleave, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anton Ealy, et al., embracing the following applications for identification as Mississippi Choctaws:

Anton Ealy, et al.,	M.C.R. 4722
Mary Carroll, et al.,	M.C.R. 4723
Mary R. Belton, et al.,	M.C.R. 4731
Nancy Dobson, et al.,	M.C.R. 5357
Joseph Ealy, et al.,	M.C.R. 4725
William Ealy, et al.,	M.C.R. 4730
Eldwena Ealy, et al.,	M.C.R. 5481
Eliza Goff, et al.,	M.C.R. 4724

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anton Ealy, Madaline Ealy, Mary Carroll, Abizear A. Carroll,

Toney Carroll, George Carroll, Earnest Carroll, Lydia M. Carroll, Mary R. Belton, James A. Belton, Alice C. Belton, Nancy Dobson, Mary Jane Dobson, William Dobson, Sabra A. Dobson, Joseph Ealy, Olevia Ealy, Toney Ealy, Joseph Ealy, Jr., John R. Ealy, Mary Ealy, Ruford Ealy, Bishop M. Ealy, Malinda M. Ealy, William Ealy, Rose A. Ealy, Earnest W. Ealy, Eldwena Ealy, Masaline Ealy, Bessie Ealy, Ella Ealy, Laura Ealy, Lisa Goff, Johnnie Goff, Frank Goff, Dovie Goff and Nellie Goff, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.

Registered.

Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M.C.R.6481.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 19, 1903.

Eldwena Ealy,

Vancleave, Mississippi.

Dear Madam:

You are hereby notified that on the 4th day of August,1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anton Ealy, et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Meridian Miss

Date APR 29 1

Name Edwena Eary

Age 30 Blood 1/2

Post-Office. Vancleave, Miss.

Father. Anton Eary

Mother Madaline "

Claims through both parents.

Children

Magaline Eary 15

Bessie " 13

Ella " 10

Laura " 7

Father Ezen Bang — d

" Robert Page — d

Stenographer I. I. Niles

5481

File

General Office M. C. R.

Advised that the Secretary of the
Interior has affirmed Commissioner
Decision in re application for
identification as a Mississippi C

REMOVED.
Present address

Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

RETURN TO WRITER





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MAY 29 1903

CHAIRMAN

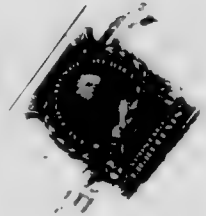
Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

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Eldwena Ealy,

Vancleave, Mississippi.

Choctaw MCR 5482

Henry Bang

See MCR 5356

MCR 5482

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 29, 1902.

In the matter of the application of Henry Bang for the identification of himself, his wife Nancy, E., and two minor children, Rufus and Mary, as Mississippi Choctaws.

APPEARANCES: J.R.Holcomb, Attorney for applicant.

Said Henry Bang, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Henry Bang.
Q How old are you? A About twenty-two or twenty -three years old.
Q How much Choctaw blood do you claim to have? A Half.
Q What's your posteffice address? A Van Cleave, Mississippi.
Q What County? A Jackson, County.
Q How long have you lived in Jackson County? A Born and raised there.
Q Lived there all your life? A Yes sir.
Q Is your father living? A yes sir.
Q What's his name? A Esion Bang.
Q Is your mother living? A No sir.
Q What was her name? A Martha.
Q Has your father been before the Commission? A No sir.
Q Where does he live? A In Perkinson, Harrison County, Mississippi.
Q How much Choctaw blood do you claim your father has? A He claims to be about three-quarters.
Q How much Choctaw blood did your mother have? A Didn'thave any.
Q None at all? A No sir.
Q White woman? A Yes sir, American woman.
Q Has your father lived down there in Jackson County all his life? A Yes sir, until not very long ago he moved to Harrison County
Q Was he born in Jackson County? A Yes sir.
Q Through which one of his parents did he get his Choctaw blood? A I don't know.
Q Do you know his parents' names? A No sir, I don,t.
Q What's the name of your wife? A Ealy she was before we were married.
Q What's her full name? A Nancy E. Bang.
Q Has she any Choctaw blood? A Yes sir, she claims to be half.
Q Do you want to make application for her too? A Yes sir.
Q How old is she? A About eighteen years old I reckon.
Q Has she lived down there in Jackson County all her life? A Yes sir.
Q Is her father living? A No sir.
Q What was his name? A Ellis Ealy.
Q Is her mother living? A No sir.
Q What was her name? A Mary.
Q Through which one of her parents did your wife gt her Choctaw blood? A From her father.
Q How much Choctaw blood did he have? A I don't know how much he had.
Q Her mother didn,t have any Choctaw blood? A No sir, I don,t believe

she did.
Q Has her father any brothers living? A No sir.
Q Are any of his brothers living? A Yes sir,one.
Q what's his name? A Anton Baly.
Q Has he been before this Commission? A Yes.
Q Has your father any brothers living? A Three brothers.
Q What are their names? A One of them has been here--his name is Edmo; another one is named Pierre Bang.
Q Next one? A Edward.
Q How many children have you living? A Two.
Q What are their names and ages,the oldest first? A Rufus is the oldest.
Q How old? A Three years old.
Q Next one? A One year old.
Q What's the name? A Mary.
Q Are they both living with you at this time? A Yes.
Q Your wife and yourself are living together? A Yes sir.
Q They are both the children of your self and Nancy? A Yes.
Q Were you married to Nancy under a license? A Yes sir.
Q Where? A I married in Perkinson.
Q Harrison County? A Yes sir.
Q Who married you? A A preacher by thename of Davis.
Q Have you your license with you today? A No sir.

It would be well for you to submit to the Commission proper evidence of your marriage to your wife Nancy for use in connection with the application you make for your minor children. This should be furnished within thirty days from this date,if possible.

Q This application,then,is for yourself,your wife and two minor children? A Yes.
Q Has any application of any description ever been made before today for yourself or yourwife or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for your self, ife and these children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A Yes sir.
Q Did any of your ancestors or any of your wife,s ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not as I know of.
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty was made? A No sir,not as I know of.
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir,not as I knows of.
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified,let the Agent of the Government here in Mississippi,for the Choctaws,know that they wanted to stay here and become citizens of the states and take land? A No sir,not as

I know of.
Q Did any of them wer claimor receive any land from the Govefnment of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir,not as I know of.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the states and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government,at its public land sales here in Mississippi,in manyinstances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir,not as I know of.

An act of Congress approved August 23,1842,provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government,he should be entitled to select,in place of the land so sold by the Government,land some place else in Mississippi or in Alabama,Louisiana or Arkansas,from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did anyof your ancestors wer get any of this scrip from th Government of the United States under this act of Congress? A No sir not as I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir ,I don't.
Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence to offer at this time? A No sir.
Q Any witnesses? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian today or tomorrow or within a reasonable time at the office of the Commission in Muskogee Indian Territory,and their testimonywill be taken.

Q You never heard of any of your wife's ancestors ever having complied with this 14th article of the treaty of Dancing Rabbit Creek? A No sir.
Q Or ever having xx received any scrip from the government under this act of August 23,1842? A No sir
Q Are there any further statements you want to make in support of your application? A No sir.
Q How many brothers have you living? A I got four.
Q What are their names? A Joe,Sam,John and Ed.
Q Has Ed the same father as you have? A Yes sir.
Q Have you any brothers dead? A I've a half brother dead; but he didn't leave any children.
Q Have you any sisters living? A Yes sir,I got one.
Q What's her name? A Cornelia Lon.
Q You dont speak or understand the Choctaw language,do you? A No.

The applicant has the features and facial expression of a white person--his hair is black,perfectly straight--his eyes are black--his skin is very dark--he does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,head at Meridian, Mississippi,April 29,1902,and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 12th day of May,1902,at Muskogee,Indian Territory.

Charles K. Haury

Notary Public.

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes one copy of the testimony of Henry Bang in the matter of his application for the identification of himself and his minor children as Mississippi Choctaws, M.C.R. 5482.

J. R. Holcomb atty at Law

M.C.R. 5482

COPY.

Muskogee, Indian Territory, April 17, 1903.

Henry Bang,

Vancleave, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Edmo Bang, et al., embracing the following applications for identification as Mississippi Choctaws:

Edmo Bang, et al.,	M.C.R. 5356
Margaret Ann Mason,	M.C.R. 5358
Celestine Davis, et al.,	M.C.R. 5359
Mary Jane Waltman, et al.,	M.C.R. 5480
Benjamin Bang, et al.,	M.C.R. 4728
Frank Bang, et al.,	M.C.R. 4726
Henry Bang, et al.,	M.C.R. 5482
Edward Bang, et al.,	M.C.R. 4727

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Edmo Bang, Celestine Bang, Louis Moore, Celestine Moore, Margaret Ann Mason, Celestine Davis, Martha C. Davis, Ransom H. Davis, Mary Jane

Waltman, Sylvester Waltman, Willie J. Waltman, James Waltman, Ernest Waltman, Mary M. Waltman, John Waltman, Lee Waltman, Benjamin Bang, Rosalie Bang, Frank Bang, Frank Bang (2), Cornelia Bang, Calhoun Bang, Mary Bang, Willie Bang, Henry Bang, Nancy E. Bang, Rufus Bang, Mary Bang (2), Edward Bang, Viola Bang, Diola Bang, Teniese Bang, Rosa Bang, Mandy Bang, Arlonie Bang, Ezien Bang and Edward Bang, Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby

Chairman.

Registered.

M. C. R. 6482.

COPY.

Muskogee, Indian Territory, July 27, 1903.

Henry Bang,

Vancleave, Mississippi.

Dear Sir:-

You are hereby notified that on the 7th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Edmo Bang et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in charge.

No. 5462.

For Identification as a Mississippi Choctaw.

Meridian Miss.

APR 29 1902

Date

Name Henry Bang

Age 22 Blood 1/2

Post-Office. Vancleave, Miss.

Father. Ezien Bang. 3/4 L

Mother. Martha " (white) d

Claims through father.

wife Nancy E. Bang (1/2) 18

Father Elfis Ealy d

Mother Mary " d

wife claims through father.

Children.

Rufus Bang 3

Mary " 1

Claim of wife and children.

Stenographer I. S. Niles

Choctaw MCR 5483

William Hoggatt

See MCR 5489, 5484

MCR 5483

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Hoggatt, et al., for identification as Mississippi Choctaws, consolidating the applications of -

William Hoggatt, et al.,	M.C.R.	5483
William Hoggatt, Jr.,	"	5489
Theodore P. Hoggatt,	"	5484

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 29, 1902.

In the matter of the application of William Hoggatt for the identification of himself and two minor children, Mary and Camile, as Mississippi Choctaws.

APPEARANCES: S A. Beadle, Attorney for applicant,
A. W. Jones, agent for applicant.

Said William Hoggatt, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A William Hoggatt.
Q How old are you? A Seventy.
Q How much Choctaw blood do you claim to have? A Well, My grandmother was a full blood Indian and my mother a half breed.
Q Your father had none? A No.
Q You would be a quarter, then, according to that? A Yes sir, I think so.
Q What's your postoffice address? A Natchez, Mississip pi.
Q Is your father living? A No sir.
Q What was his name? A Wilford Hoggatt.
Q Is your mother living? A No sir.
Q What was her name? A Phoebe Baptiste.
Q You got your Choctaw blood through your mother? A Yes sir, my father was Dutch and Irish, mixed.
Q Were you a slave? A No sir.
Q And your mother wasn't either? A No sir, she was a half breed and the Indian woman when they went away from here wanted to take her but the old man wouldn't let her have them. There were three sisters and my father had the one called Phoebe. There were on the place together. All the Indians was there atthat time.
Q Could your mother speak the Choctaw language? A No, she didn't speak it--she could speak some of it.
Q You don't speak it? A No sir.
Q Your mother got her Choctaw blood through which parent? A Her mother?
Q What was her mother's name? A Becky.
Q Did you ever see Becky? A No sir.
Q What other name did she have besides Becky? A I couldn't tell you that.
Q You claim Becky was a full blood Choctaw, do you? A Yes sir, my mother was a half breed.
Q What was the name of your mother's father? A Batiste.
Q What was his given name? A I don't know that.
Q Do you know the names of Becky's parents? A No, I don't.
Q Where was your mother born? A Born here in Adams County, Mississippi.

Q Did she live here all her life? A Yes sir.
Q Do you know where her mother was born? A I couldn't say that. They used to come there--a great many Indians were here at that time--they used to come there and get rations--the old man used to give them rations.
Q Did you ever hear of any of your Choctaw ancestors ever having lived anywhere except here in Mississippi? A No sir.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q What's her name? A Louisa.
Q Has she any Choctaw blood? A No,I think she's Spanish or French.
Q You make no claim for her? A No sir.
Q How many children have you living who are under 21 years of age and unmarried? A Two.
Q What are their names? A Camile and Mary.
Q How old is Mary? A Seventeen.
Q How old is Camile? A Fourteen.
Q Are these two children living with you at this time? A Yes sir.
Q Are they the children of yourself and Louisa? A That's right.
Q Have you ever been married more than once? A No sir.
Q Were you married to Louisa under a license? A Yes sir.
Q Have you that license and certificate with you at this time? A I have a certified copy.

Certified copy of marriage license and certificate of William Hoggatt and Louisa Pometeis offered in evidence, identified as xhibit-A,filed and made a part of the record in this case.

Q This marriage license and certificate shows that you are a freedman,is that a fact? A I was a free man--I wasn't a freedman.
Q How do you account for that? A I don't know,but I was a free man.
Q This application is for yourself and two minor children,is that correct? A yes sir.
Q Has any applicationof any description ever been made before today for you or either of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under article 14 of the treaty of Dancing Rabbit Creek,do you? A Yes sir.
Q Do you understand that 14th article? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not to my knowledge.
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir.
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not to my knowledge.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi,for the Choctaws,know that they wanted to stay here and become citizens of the States and take land? A No sir.
Q Do you mean "no sir", or "not to your knowledge"? A Not to my knowledge.
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not to my knowledge.
Q Did anyof them ever receive any land anywhere to your knowledge from the Government? A No sir,they lived here all their life right on the place with the man they said was my father--they stayed there. She wanted to leave here about the time the Indians left--sometime afterwards--I wasn't born.

In accordance with the provisions of this 14th article of the Treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and became citizens of the states and take land,and on this account the Government,at its public land sales here in Mississippi,inmany instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts betwee the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of these Choctaws who claimed that they had complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights? A Not to my knowledge.

An act of Congress approved the 23rd day of August,1842, provided that in case it should be finally deter ined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government,he should be entitled to select,in place of the land so sold by the Government,land some place else here in Mississippi or in Alabama,Louisiana or Arkansas,from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A No sir,not to my knowledge; there's one brother and myself living.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I think I've got one old gentleman here can answer the question.
Q What's his name? A Jesse Trowser.
Q How old is he? A He was born in 1801.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence to offer at this time? A No sir.

If you should find any other witnesses whose testimony you want to have taken befor e the Commission,they may appear before us here today or tomorrow or within a reasonable time at the office of the Commission in Muskogee, Indian Territory,and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q How many children living who are of age or married? A Four.
Q What are their names? A Lula Hoggatt.
Q Is she married? A No sir.
Q Next one? A William Hoggatt Jr.
Q Next one? A Frank S. Hoggatt.
Q Next one? A Theodore; he's here today.
Q The other three haven't been before the Commission? A No sir.
Q Have you any children dead? A Two.
Q Did those two children die ininfancy? A Yes sir. I have a daughter married,by the name of Ruthie Harris.
Q Has she been before the Commission? A No sir,I don't think she has.
Q Where does she live? A In Natchez.
Q Did you ever have any sisters? A Yes sir.
Q How many sisters did you have? A Two.
Q Did either of them leave children? A No sir; one's dead and one is living.
Q What's the name of the one who is living? A Emeline Hoggatt.
Q Was she ever married? A No sir.
Q Where does she live? A She lives in Adams County.
Q She never has been before the Commission? A No sir.
Q Did you ever have any brothers? A Yes sir.
Q How many? A Five of us.
Q Four besides yourself? A Yew sir.
Q How manyof those brothers are living? A One.
Besides you? A Yes sir.
Q What's his name? A Anthony.
Q Where does he live? A Natchez.
Q Has he ben before the Commission? A Not as I knows of--I don't thinkhe has.
Q Did anyof your deceased brothers leave children? A Yes sir,Jim.
Q How many children did he leave? A Three girls and two boys.

Q What are theirnames? A Jimmie and Dan are the boys; two of the girls are married and the other isn't.
Q What's the name of the one who isn't married? A Aggie.
Q What are the names of the married girls? A Kate Calvert and Delia Skipper.
Q Did your mother ever have any brothers or sisters? A Only three girls of them,to my knowledge, Becky and Ailsey.
Q Did Becky or Ailsey leave children? A Ys sor,both left children
Q Do you know the names of their children? A No,I don,t know.
Q No you know anything about them? A They went away from here quite small. They live in Jacksonville,Illinois.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood; he has dark eyes,dark skin; his hair is inclined to be straight--does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported infull all proceedings had in the above entitled cause,head at Meridian, Mississi ppi,April 29th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 12th day of May,1902, at Muskogee,Indian Territory.

Charles H. Sawyer

Notary Public.

C.W.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of William Hoggatt, et al., for identification as Mississippi Choctaws, consolidating the applications of:

William Hoggatt, et al.,	M.C.R. 5483
William Hoggatt, Jr.,	" 5489
Theodore P. Hoggatt,	" 5484

---DECISION---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by William Hoggatt for himself and his two minor children, Mary and Camile Hoggatt; by William Hoggatt Jr., for himself, and by Theodore P. Hoggatt for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Becky (or BeckyBatiste) who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896(29 Stats. 321).

It appears from the records in the possession of the Commission that persons bearing the names of Becky, Becka and Beckey , received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek", but there is nothing in the testimony of the applicants herein which would tend to show that the Becky, or Becka, or Beckey who received such scrip is the identical Becky (or Becky Batiste) through whom they claim. The name of Becky also appears on pages 220 and 279 of Volume 1 of the Claimants' Brief and Evidence in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12742; the name of Beck-a appears on pages 376 and 566 of said record, and the name of Becka is found on pages 395 and 689 of said record, said citations being to various lists of Choctaw Indians who were claimants under some one of the several articles of the treaty of "Dancing Rabbit Creek". There is nothing in the testimony of the applicants herein which would tend to show that any of the persons

mentioned in the records above cited is identical with the Choctaw ancestor through whom these applicants claim their right to identification as Mississippi Choctaws.

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Becky (or Becky Batiste) through whom these applicants claim, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842(5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Hoggatt, Mary Hoggatt, Camile Hoggatt, William Hoggatt Jr., and Theodore P. Hoggatt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tams Bixby
Acting Chairman

T. B. Needles
Commissioner

C. R. Breckinridge
Commissioner

Muskogee, Indian Territory

JAN 2 1903

M.C.R. 5483

COPY

Muskogee, Indian Territory, January 2, 1903.

William Hoggatt,

Natchez, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Hoggatt, et al., embracing the following applications for identification as Mississippi Choctaws:

William Hoggatt, et al.	M.C.R. 5483
William Hoggatt, Jr.,	M.C.R. 5489
Theodore P. Hoggatt	M.C.R. 5484

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Hoggatt, Mary Hoggatt, Camile Hoggatt, William Hoggatt Jr., and Theodore P. Hoggatt as Choctaw Indians entitled to

rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within w ich to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby

Acting Chairman.

Registered.

M.C.P. 5483

Muskogee, Indian Territory, January 2, 1903.

C. A. Hendlo,

Attorney at law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Hoggatt, et al., embracing the following applications for identification as Mississippi Choctaws:

William Hoggatt, et al.	M.C.R. 5483
William Hoggatt, Jr.	M.C.R. 5489
Theodore P. Hoggatt	M.C.R. 5484

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Hoggatt, Mary Hoggatt, Camile Hoggatt, William Hoggatt Jr. and Theodore P. Hoggatt as Choctaw Indians entitled to

rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

COPY

M.C.R. 5483

Muskogee, Indian Territory, January 2, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Hoggatt, et al., embracing the following applications for identification as Mississippi Choctaws:

William Hoggatt, et al.	M.C.R. 5483
William Hoggatt, Jr.	M.C.R. 5489
Theodore P. Hoggatt	M.C.R. 5484

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administeroaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Hoggatt, Mary Hoggatt, Camile Hoggatt, William Hoggatt Jr. and Theodore P. Hoggatt as Choctaw Indians entitled to

rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby
Acting Chairman.

Registered.

Copy M.C.R. 5483

Muskogee, Indian Territory, January 2, 1907.

Mansfield, Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of January, 1907, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Hoggatt, et al., embracing the following applications for identification as Mississippi Choctaws.:

William Hoggatt, et al.	M.C.R. 5483
William Hoggatt, Jr.	M.C.R. 5482
Theodore P. Hoggatt,	M.C.R. 5484

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Hoggatt, Mary Hoggatt, Camile Hoggatt, William Hoggatt Jr. and Theodore P. Hoggatt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which

M. McM. & C.—2

to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) Tams Bixby.
Acting Chairman.

Muskogee, Indian Territory, January 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William Hoggatt, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 2, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

William Hoggatt, et al.	M.C.R. 5483
William Hoggatt, Jr.	M.C.R. 5489
Theodore P. Hoggatt	M.C.R. 5484

The Commission has the honor to report that the principal applicants in the several separate applications, their agent, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 5483

Land
5071-1903

C O P Y .

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 23, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of William Hoggatt, for himself and his two minor children, Mary and Camile Hoggatt; William Hoggatt, Jr., for himself and Theodore Hoggatt for himself, wherein a decision adverse to the applicants was rendered by the Commission on January 2, 1903.

An examination of the evidence shows that the ancestors through whom claim is made in this case are Becky and her daughter Phoebe Batiste, the former being the grandmother and the latter the mother of William Hoggatt, the principal applicant, who is over seventy years of age, and Becky must have been the head, or one of the heads of a family in 1830.

The Commission states in its decision rejecting these applicants that the said Becky (or Becky Batiste), through whom these applicants claim, or an ancestor less remote, does not appear in its records of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination has been made of the records of this office in connection with the application of these persons, and it is found that there were two Beckys, heads of families in 1830, but neither had a daughter Phoebe who was then a member of their families, or of which the office has any trace. It is also found that that there were families named Batiste among the Choctaws in Mississippi, but no one named Phoebe Batiste, Batiste, or Becky is found to be included in the list of those persons who complied or sought to comply with the provisions of the 14th article of the Choctaw treaty of 1830. It is, therefore, recommended that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A. C. TONNER.

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

C O P Y .

D.C. 9967-1903.

DEPARTMENT OF THE INTERIOR. HAF.
ITD. 3166-1903 Washington.
LRS. April 6, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 19, 1903, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of William Hoggatt and his minor children, Mary and Camile Hoggatt; of William Hoggatt, Jr., and of Theodore P. Hoggatt. You refused the applications January 2, 1903.

The applicants claim to be descendants of Becky (or Becky Batiste), alleged to have been a full blood Choctaw Indian, and of Phoebe Batiste, her daughter, who was the mother of William Hoggatt.

The records fail to show that the applicantswere ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their said ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat.,180), and August 23, 1842 (5 Stat.,513).

Reporting March 23, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his report is inclosed.

Having carefully reviewed the entire record, and found no reason to disturb your decision, the Department affirms the same.

Respectfully,

(Signed) THOS. RYAN

Acting Secretary.

1 inclosure.

M.C.R. 5433.

COPY.

Muskogee, Indian Territory, April 17, 1903.

S.A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 6th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Morgatt, et al., of which decision you were notified by registered mail on the 3d day of January, 1903.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

M.C.R. 5483.

COPY

Muskogee, Indian Territory, April 17, 1903.

A.W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Hoggatt, et al., of which decision you were notified by registered mail on the 2d day of January, 1903.

Respectfully,

COPY

Tams Bixby.

Chairman.

M.C.R. 5483.

COPY.

Muskogee, Indian Territory, April 17, 1903.

William Hoggatt,

Natchez, Mississippi.

Dear Sir:

You are hereby notified that on the 6th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Hoggatt, et al., of which decision you were advised by registered mail on the 2d day of January, 1903.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

M.C.R. 5483

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 6th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Hoggatt, et al., of which decision you were notified by mail on the 2d day of January, 1903.

Respectfully,

Tams Bixby.

Chairman.

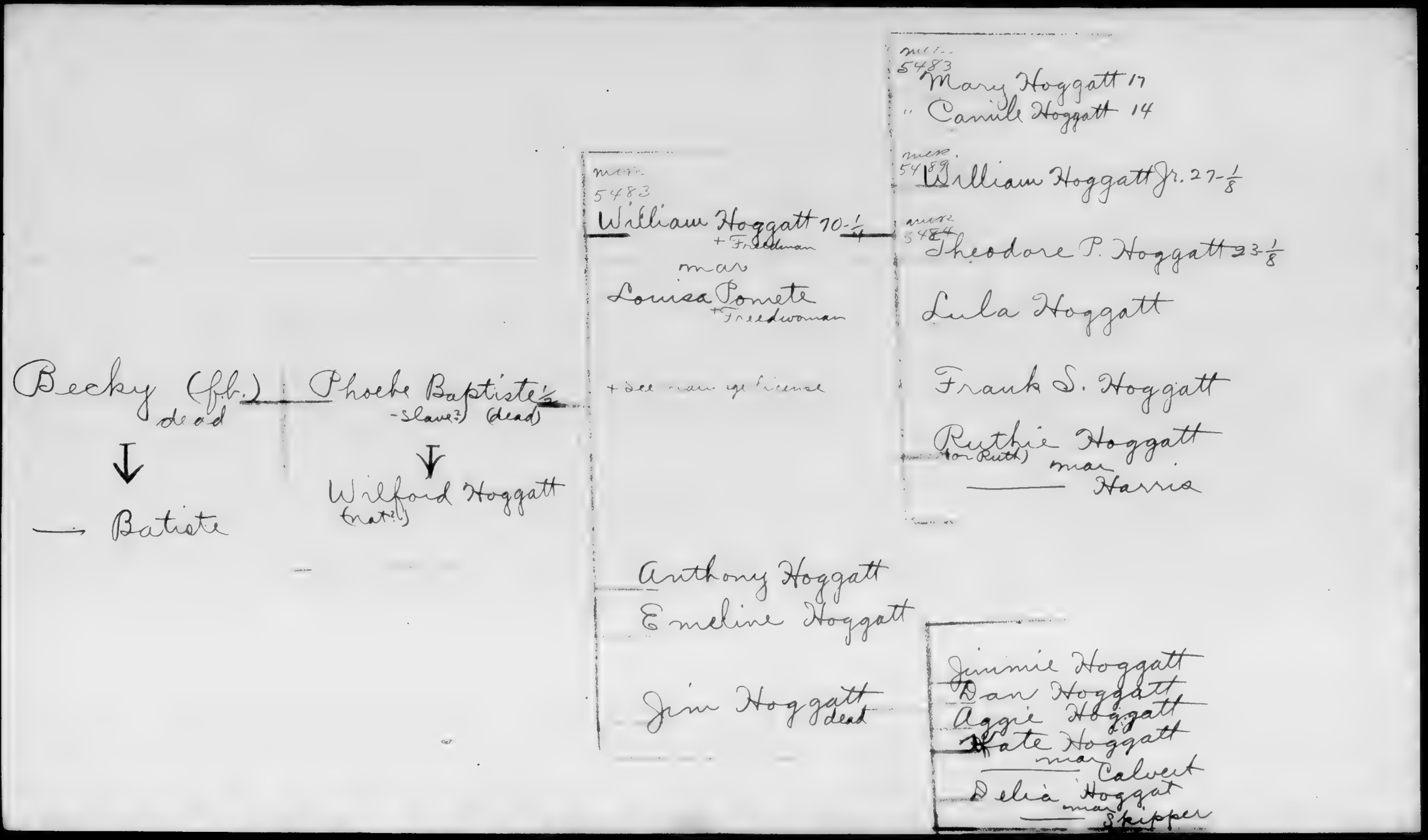
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(NOT INCL

TRIBAL ENROLLMENT OF PARENTS

Father	Year	District	Name of Mo

Consolidated Case
of William Hoggatt et al.


Becky (ff.) dead
Phoebe Baptiste ½ -slave?) (dead)
Batiste
Wilford Hoggatt (natl.)
mer. 5483
William Hoggatt 10-1/4 + Freedman
mar
Louisa Ponete + Freedwoman
+ See marriage license
Anthony Hoggatt
Emeline Hoggatt
Jim Hoggatt dead
mer. 5483
Mary Hoggatt 17
" Camile Hoggatt 14
mer. 5484
William Hoggatt Jr. 27-1/8
mer. 5484
Theodore P. Hoggatt 23-1/8
Lula Hoggatt
Frank S. Hoggatt
Ruthie Hoggatt (or Ruth)
mar
Harris
Jimmie Hoggatt
Dan Hoggatt
Aggie Hoggatt
Kate Hoggatt
mar
Calvert
Delia Hoggat
mar
Skipper

No. 5183

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 29 1902

Name William Hoggatt

Age 70 Blood 1/4

Post-Office Natchez, [illegible]

Father: Wilford Hoggatt d

Mother: Phoebe Bakhaler d

Claims through [illegible]

wife Louisa Hoggatt L

no claim for wife

[illegible]

Children

Mary Hoggatt 17

Camile " 14

mother's mother Becky d

Stenographer J. L. Niles

Choctaw MCR 5484

Theodore P. Hoggatt

See MCR 5483

MCR 5484

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 29, 1902.

In the matter of the application of Theodore P. Hoggatt for identification as a Mississippi Choctaw.

APPEARANCES: S.A.Beadle, Attorney for applicant,
A.W.Jones, Agent for applicant.

Said Theodore P. Hoggatt, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Theodore P. Hoggatt.
Q How old are you? A Twenty-three.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q What's your postoffice address? A Natchez, Mississippi.
Q How long have you lived in Natchez? A Ever since I was born.
Q Is your father living? A Yes sir.
Q What's his name? A William Hoggatt.
Q Is your mother living? A Yes sir.
Q What's her name? A Louisa Hoggatt.
Q Is William Hoggatt who just appeared before the Commission your father? A Yes sir.
Q Through which one of his parents does he get his Choctaw blood?
A His mother.
Q What was her name? A Phoebe.
Q Did you ever see her? A No sir.
Q Has your father lived in Adams County all his life? A Yes sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Has she any Choctaw blood? A Not as I know of.
Q Have you any children living? A No sir.
Q You claim for yourself only, then? A Yes sir.
Q Has any application of any description ever been made before today in your behalf for the purpose of claiming your rights in the Choctaw lands? A Not as I know of.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A Yes sir.
Q You head the entire examination of your father, William Hoggatt, did you not? A Yes sir.
Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek than what is disclosed by his testimony? A No sir.
Q You never heard of any of your people ever having received any benefits as Choctaw Indians? A No sir, not as I know of.
Q Did you ever hear of any of them ever living anywhere except in Mississippi? A No sir.
Q Have you any written evidence to offer at this time in support of your application? A No sir.

Q Any witnesses here today? A yes sir.
Q How many? A One.
Q What's his name? A Jesse Trowser.
Q Te same man referred to by your father? A Yes sir.

If you should find xxx any other witnesses whose testimony you want to have taken before the Commission they may appear before us hereat Meridian today or tomorrow or with in a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there anyfurther statements you want to make at this time in support of your application? A No sir.
Q Any brothers living? A Yes sir.
Q How many? A Two.
Q What are their names? A Frank and William Jr.
Q Have you any sisters living? A yes sir.
Q How many? A Four living.
Q What are their names? A Ruth Harris, Lula, Mary and Camile.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood; he has dark eyes, dark skin; his hair is inclined to be straight--does not speak or understand the Choctaw language.

Jesse Trowser, being first duly sworn, testified as follows:

Examiination by the Commission.

Q What's your name? Jesse Trowser.
Q How old are you? A I was born in 1801.
Q What month? A February 15th.
Q You are sure you are that old? A I aint making no mistake, no sir.
Q What's your postoffice address? A Jeannette, Adams County, Mississippi.
Q How long have you lived in Adams County, Mississippi? A Between 75 and 80 --I was a youngster when I came fromNashville, Tanessee.
Q Were you a slave? A Yes sir.
Q Where were you born? A I was born in Nashville, Clover Bottom.
Q Are you acquainted with the applicant William Hoggatt? A I am, sir.
Q How long have you known him? A Ever since he was born.
Q How long had you been in Adams County, Mississippi, when he was born? A I couldn't tell you exactly--I'd been in this county five or six years nohow before he was born.

Q Are yourelated in any way to him? A No sir.
Q Are you interested in any way in the result of his application? A No sir,not at all.
Q Were you acquainted with his parents? A I was acquainted with his mother and her two sisters and his grandmother--his wife's mother; she was a thoroughbred Indian--she had three marks on the side of her jaw like the other Indians.
Q This woman you refer to is the mother of the applicant's mother? A Yes sir.
Q What was the name of this man William's mother? A Phoebe.
Q Was Phoebe a slave? A Yes sir,she belonged to Mr.Hoggatt, his father.
Q You claim that her mother was a full blood Choctaw Indian? A Yes sir,she had the Indian mark,the Choctaw mark,sir--like the other Indians--you've seen Indians marked on the jaw,look like blue ink in the skin; her name was Becky;her oldest daughter was Becky Oscar and the next oldest daughter was named Ailsey and his mother was the youngest girl of the three.
Q Do you know the name of Phoebe's father? A I don't,sir; I couldnt tell who her father was but I could tell you about Phoebe and her mother.
Q Do you know where Phoebe was born? A She was born on old man Nat Hoggatt's place,sir,out on Sandy Creek.
Q In what County? A In Adams County.
Q She lived there in Adams County all her life,did she? A Yes sir, she never went out of Adams County to my knowledge.
Q Do you know where Becky was born? A Right at the same place,sir-on old Hoggatt's place.
Q I am talking about her mother,Becky ? A I don't know whether she was born there orin the Indian Nation but she had the Indian marks.
Q Did she live out in the camps with the Indians at that time? A She was righ out in the camp,cause I went there and used to go there and trade with them Indians many a time, carry them peas, them little white and yellow peas.
Q Did you ever hear of the Treaty of Dancing Rabbit Creek, between the Government of the United States and the Choctaw Indians? A I hard his mother - ---
Q This applicant's mother? A Yes sir,I heard his mother--I used to be a -------fellow around the girls. I used to hug her sometimes. I used to be playing with her so after Nat Hoggatt took her for his wife just like a white woman--I didn't dare go round there. She told me that she had heard that they was something from the tribe that she could get and she would like to go for it and she tried to run away for to go there.
Q Do you don't remember when this treaty of Dancing Rabbit Creek was made? A No sir, I don't.
Q What she told you and what you related to us is all you know about it? A Yes sir.
Q Did you ever hear of William's mother ever having gotten any land from the Government? A No sir,I never heard of any darkey ever getting a foot of ground--give them enough to bury him.
Q Did you ever hear of Becky getting any land from the Government? A No sir.
Q Or any money? A No sir,nver heard of her getting a dime.

Q You don't know whether any of the ancestors or forefathers of this applicant William Hoggatt ever complied with the provisions of this 14th article of the treaty of Dancing Rabbit Creek,or not--did you? A No sir,I never head of any such thing as that.
Q Did you ever hear of any of them ever having any scrip from the Government? A No sir,I haven't sir.

Examinationby Mr.Jones:

Q What's Mr. Hoggatt's mother's name? A Phoebe.
Q Didn't you state to the Commission a while ago that she was a slave? A She was a slave but he finally took her as his wife and took her in his home as his wife.

Commission:
The witness is a negro of average intelligence and has the appearance of being as old as is claimed by him.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,head at Meridian, Mississippi,April 29th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in sai d proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 12th day of May,1902,at Muskogee,Indian Territory.

Charles H. Lamping

Notary Public.

M.C.R. 5484

Muskogee, Indian Territory, January 2, 1903.

Theodore P. Hoggatt,

Natchez, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Hoggatt, et al., embracing the following applications for identification as Mississippi Choctaws:

William Hoggatt, et al.	M.C.R. 5483
William Hoggatt, Jr.	M.C.R. 5489
Theodore P. Hoggatt	M.C.R. 5484

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Hoggatt, Mary Hoggatt, Camile Hoggatt, William Hoggatt Jr. and Theodore P. Hoggatt as Choctaw Indians entitled to

rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.

Acting Chairman.

Registered.

M.C.R. 5484.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Theodore P. Hoggatt,

Natchez, Mississippi.

Dear Sir:

You are hereby notified that on the 6th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Hoggatt, et al., of which decision you were notified by registered mail on the 2d day of January, 1903.

Respectfully,

Tams Bixby.

Chairman.

No. 5484

For Identification as a Mississippi Choctaw.

Meridian Miss.

APR 29 1902
Date

Name Theodore P. Hoggatt

Age 23 *Blood* 1/8

Post-Office, Natchez Miss.

Father: William Hoggatt 2

Mother: Louisa " 2

Claims through father

Children:

Stenographer A. L. Wiley

Choctaw MCR 5485

Cynthia Hobson

MCR 5485 1

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Cynthia Hobson, for identification as a Mississippi Choctaw, M.C.R. 5485.

List of papers forwarded to the Secretary of the Interior comprising the record in the case of Cynthia Hobson.

	(Page)
Original application of Cynthia Hobson to the Dawes Commission for identification as a Mississippi Choctaw----------	1
Decision of the Commission refusing the application of Cynthia Hobson for identification as a Mississippi Choctaw----------	5

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 29, 1902.

In the matter of the application of Cynthia Hobson for identification as a Mississippi Choctaw.

APPEARANCES: S.A.Beadle, Attorney for applicant,
A.W.Jones, Agent for applicant.

Said Cynthia Hobson, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Cynthia Hobson.
Q How old are you? A Fifty-two.
Q How much Choctaw blood have you? A One-quarter, I suppose.
Q What's your postoffice address? A 206 Catherine Street, Vicksburg, Mississippi.
Q How long have you lived in Vicksburg? A Lived there going on forty years--I lived there since '63.
Q Where did you live before that? A In Washington County, Mississippi.
Q Were you born there? A Yes sir.
Q Were you a slave? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Randall Bell.
Q Is your mother living? A No sir.
Q What was her name? A Millie A. Bell.
Q Through which one of your parents did you derive your Choctaw blood? A Through my father.
Q Were your father and mother lawfully married? A That's what they said.
Q Were they both slaves? A My mother was--my father wasn't. They never could make him a slave.
Q Did your mother ever have any other children by him? A My mother had fourteen or fifteen children by him.
Q How long did they live together, do you know? A No sir, I don't know exactly how long they lived together.
Q How long has your father been dead? A My father was murdered in '68.
Q About how old was he then? A I don't know, sir, exactly--if he was living now he would be sevnty-three years old.
Q Through which one of his parents did he get his Choctaw blood? A From his father.
Q What was his name? A John Bell.
Q Do you claim he was a full blood Choctaw? A Yes sir.
Q Did you ever see him? A No sir, I never seen my grandfather.
Q Do you know where he lived? A I don't know no more than what I heard my father say, they lived in YazooCounty and from there to Washington County.
Q He lived in Mississippi all his life, then? A Yes sir.
Q Did your grandfather have an Indian name, do you know? A No sir, nothing but John.

Q Where was your father born? A Over in Yazoo County.
Q Lived in Mississippi all his life? A Yes sir.
Q Do you know the names of John Bell's parents? A No sir.
Q What was the name of your father's mother? A Frances.
Q Was she a slave? A I don't know,sir.
Q Did you ever see her? A No sir,I never seen my grandmother or grandfather either.
Q You don't know whether John was married to Frances? A No sir, no more than I heard my father say that they was married.
Q How many children did Frances have by John? A Only two,my father and one sister.
Q What was her name? A Judy.
Q Was she a slave? A She died when she was an infant.
Q Are you married? A My husband is dead..
Q Have you any children living who are under age or unmarried? A No sir,I have only two and they ar both of age.
Q This application,then,is for yourself only? A Yes sir.
Q Has any application of any description ever beenmade before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.
Q Do you appear before the Commissionat this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A yes sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not to my knowledge.
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A None that I know of.
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A None that I know of.
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi,for the Choctaws,know that they wanted to stay here and become citizens of the States and take land? A None that I know of.
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.
Q Did you ever hear of any of your ancestors ever having gotten any land from the Government? A No sir.
Q Or any money? A Never did.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the states and take land. The records of the Government show that this Agent failed to register and report to the Government the names

of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among th Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for th appointment of Commissioners to come down here to Mississippi and hear the cases of the Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and th y camedown here to Mississippi betweenthe years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of thes e Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he shouldbe entitled to select, in place of the land so sold by tthe Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land xkx and should be given a certificate to that effect. These certificates were called scrip.

Q Did anyof your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A None that ever I knowed of.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of any right now.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir
Q Haveyou any written evidence of any kind to offer at this time in support of your applicati on? A No sir.
Q Have you any witnesses here today to testify in your behalf? A No sir.
Q Any further statem nt you want to make at this time in support of your application? A No sir.
Q How many children have you living? A Two.
Q What are their names? A John Hobson and Mack Hobson.
Q Where do they live? A In Vicksburg, Mississippi.
Q Have they been before the Commission? A No sir, not that I

know of.
Q Have you any children dead? A Two dead.
Q Did they die in infancy? A Yes sir.
Q Have you any brothers living? A I had one brother went off in '63 and I don't know whether He's dead or alive.
Q What was his name? A John Porter.
Q You haven't heard from him since? A No sir.
Q Have you any sisters living? A No sir.
Q Never did have any sisters? A Yes sir,but my last sister died twelve years ago.
Q Did she leave any children? A No sir.
Q Did any of your sisters leave children? A No sir.

The applicant has the appearanceof being a full blood negro--shows no indications of being possessed of Indian blood--does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 29th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 13th day of May,1902,at Muskogee,Indian Territory.

Charles Hetherington

Notary Public.

C.W.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Cynthia Hobson, for identification as a Mississippi Choctaw, M.C.R. 5485.

--- D E C I S I O N ---

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission by Cynthia Hobson for herself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the testimony that this applicant was born of a slave mother prior to the Emancipation Proclamation; was herself a slave, and it does not appear from the records in the possession of the Commission that she has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or ad-

mitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Cynthia Hobson as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED. Tams Bixby.
Acting Chairman.

SIGNED. T. B. Needles.
Commissioner.

SIGNED. C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

OCT 29 1902.

mitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Cynthia Hobson as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED Tams Bixby.
Acting Chairman.

SIGNED T. B. Needles.
Commissioner.

SIGNED C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

OCT 29 1902.

COPY.

M C R 5485

Muskogee, Indian Territory, October 22, 1902.

Cynthia Hobson,

Vicksburg, Mississippi.

Dear Madam:

You are hereby advised that on the 22nd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Cynthia Hobson, an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Cynthia Hobson as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Jamo Dixby.
Acting Chairman.

Registered.

M C R 5485

Muskogee, Indian Territory, October 22, 1902.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 22nd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Cynthia Hobson, an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

> "It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Cynthia Hobson as such should therefore be refused; and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which

S A B

to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby.
Acting Chairman.

Registered.

M C R 5485

Muskogee, Indian Territory, October 22, 1902.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 22nd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Cynthia Hobson, an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Cynthia Hobson as such should therefore be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which

A W F S

to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Dixby.
Acting Chairman.

Registered.

COPY.

M C R 5485

Muskogee, Indian Territory, October 22, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 22nd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Cynthia Hobson, an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Cynthia Hobson as such should therefore be refused, and it is so ordered."

You are further advised that the applicant in this case

M MeM & C S

has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.
Acting Chairman.

M C R 5485

COPY.

Muskogee, Indian Territory, November 7, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Cynthia Hobson, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 22, 1902.

The Commission has the honor to report that the applicant in this case, her attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 inclosure, M C R 5485

Land.
67810-1902. (COPY)

Department of the Interior,
Office of Indian Affairs,
Washington, February 6, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification of Cynthia Hobson, wherein a decision adverse to the applicant was rendered on October 22, 1902.

It appears from the evidence in this case that the applicant bases her claim to identification by reason of her being a descendant of one John Bell, who, it is alleged, was a citizen of the Choctaw Nation in Mississippi or Alabama in 1830z

The Commission bases its decision rejecting this party on the ground that itsis of the opinion that no freedman is entitled to identification as a Mississippi Choctaw.

An examination of the records of this office discloses the fact that the name of John Bell does not appear as having complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for this reason, it is recommended that the decision of the Commission rejecting this party be approved.

Very respectfully,
A.C. TONNER.
Acting Commissioner.

E.B.H. H'r.

D.C. 5618 COPY 12925 J.W.H.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I T.D. 1328-1903. February 24, 1903.

L R S

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 7, 1902, you transmitted the record in the case of Cynthia Hobson (M.C.R 5485), applicant before you for identification as a Mississippi Choctaw, including your decision of October 22, 1902, refusing to identify her as such.

This applicant who is a 1/4 blood Choctaw and an ex-slave, was born in 1850, in Washington county, Mississippi; she removed from there to Vicksburg, where she has resided since 1863. Her father, Randall Bell, was born in 1829 in Yazoo county, Mississippi. The latter was the son of John Bell, a full blood Choctaw. This father and son removed from Yazoo county to Washington county, Mississippi.

The testimony as furnished by the record fails to show that the applicant or any of her alleged ancestors ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September, 27,1830, or with the subsequent acts relating thereto.

It further appears that the records of the government in your possession, as well as those at the Indian Office, fail to show that any person what ever bearing the name of any of the alleged ancestors ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the

testimony now before it, that this applicant has failed to establish her claim.

Reporting in the matter February 6, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

THOS. RYAN.

Acting Secretary.

1 inclosure.

COPY.

M.C.R. 5488.

Muskogee, Indian Territory, March 9, 1903.

Cynthia Hobson,

Vicksburg, Mississippi.

Dear Madam:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, ofwhich decision you were advised by registered mail on the 22nd day of October, 1902.

Respectfully,

Chairman.

COPY.

M.C.R. 5485.

Muskogee, Indian Territory, March 9, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Cynthia Hobson for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 22nd day of October, 1902.

Respectfully,

Chairman.

COPY M.C.R. 5485.

Muskogee, Indian Territory, March 9, 1903.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Cynthia Hobson, of which decision you were advised by registered mail on the 22nd day of October, 1902.

Respectfully,

Chairman.

COPY.

M.C.R. 5486.

Muskogee, Indian Territory, March 9, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Cynthia Hobson, of which decision you were advised by mail on the 22nd day of October, 1902.

Respectfully,

(SIGNED)

Chairman.

2156 No. 5485

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 29 1902

Name Cynthia Hobson

Age 52 Blood 1/4

Post-Office, 206 Catherine St. Vicksburg, Miss.

Father Randall Bell d

Mother Millie A " d

Claims through father

Children.

father's father John Bell d

Stenographer L L Niles

Choctaw MCR 5486

Prentiss Johnson

See MCR 4808

MCR 5486

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian,Mississippi ,April 29,1902.

In the matter of the application of Prentiss Johnson for the identification of himself and one minor child,Burris,as Mississippi Choctaws.

APPEARANCES: S.A.Beadle,Attorney for applicant,
A.W.Jones, Agent for applicant.

Said Prentiss Johnson,being first duly sworn,testified as follows:

Examination by the Commission.

Q What's your name? A Prentiss Johnson.
Q How old are you? A Twenty-seven.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q What's your postoffice address? A Yazoo City,Mississippi.
Q How long have you lived in Yazoo County? A I was raised there.
Q All your life? A Yes sir.
Q Is your father living? A Yes sir.
Q What's his name? A Tom Johnson.
Q Is your mother living? A No sir.
Q What was her name? A Hername was Minerva Johnson.
Q Through which one of your parents did you derive your Choctaw blood? A My father.
Q Has he been before this Commission? A Yes sir.
Q When? A In March or February.
Q Here at Meridian? A Yes sir.
Q Did your father live in Yazoo County all his life? A Yes sir.
Q Through which one of his parents did he get his Choctaw blood?
A From his father.
Q What was his name? A George Johnson.
Q Did you ever see him? A Yes sir.
Q How long has he been dead? A He's living.
Q What's his name? A George Johnson.
Q Has he been before the Commission? A No sir.
Q Where does he live? A He lives in Yazoo City.
Q Has he lived there all his life? A Not in the town-he's living in the county.
Q About how old a man is he? A About eighty-six years old.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir
Q What's her name? A Florence.
Q She has no Choctaw blood? A No sir,not as I know of.
Q You make no claim for her? A No sir.
Q How many children have you living? A One.
Q What's its name? A Burris.
Q How old? A One month old.
Q Boy? A Yes sir.
Q Is he the child of yourself and Florence Johnson? A Yes sir.
Q Were you married to Florence under a license? A Yes sir.

Q Where? A Yazoo City.
Q When? A In November,1891.
Q Who married you? A Isaac Williams.
Q A preacher? A Yes sir.
Q Have you your license with you today? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Florence for use in connection with the applica tion you make in behalf of your minor child. Tis evidence should be furnished within a period of thirty days from this date.

Q Have you any minor brother or sisters? A Yes sir.
Q The same mother as your mother? A Not all of them,some of them.
Q Your father submitted the evidence of his marriage,did he?
A Yes sir.
Q This application is for yourself and one minor child? A Yes sir.
Q Has any application of any description ever been made before today for you or this minor child for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and one minor child under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q do you understand that 14th article? A Yes sir.
Q did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?
A No sir,not that I know of.
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A No sir.
Q Do you know about that? A Not as I know of.
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.
Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi,for the Choctaws,know that they wanted to stay here and become citizens of the States and take land? A Not as I know of,sir.
Q Did any of them ever claim or receive any land from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir,not to my knowledge.
Q Did you ever hear of any of them ever having gotten any land from the Government? A No sir.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to

remain here and become citizens of th States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its publicland sales here in Mississippi,in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir,not as I know of.

An act of Congress approved on the 23rd day of August,1842 provided that in case it should be finally determined that a Choctaw had complied inall respects with the provisions of article14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should be entitled to select,in place of the land so sold by the Government,land some place else here in Mississippi,or in Alabama,Louisiana or Arkansas,from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A No sir,not as I know of.
Q You never heard of any of your people ever having received any benefits whatever as Choctaw Indians? A No sir.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
Q Do you know of any writtn evidence of any kind which would prove or tend to prove such a state of facts? A I think they had evidence here in March from two parties.
Q Do you know of any written evidence in existence now,outside of what has been submitted in your cases? A No sir.
Q You have no written evidence to submit now? A No sir.

Q Hav you any witnesses here today? A No sir.
Q Is there anything further you want to say in support of your application? A No sir.
Q Have you any brothers or sisters living who are of age? A Yes sir.
Q How many? A Four.
Q What are their names? A Flora.
Q Is she married? A No sir.
Q Next one? A Emma.
Q Married? A Yes sir.
Q what' s her married name? A Emma Oakes.
Q Next one? A Eli za Powell.
Q Next one? A Ed Johnson.
Q Have they been before the Commission, all four of them? A No sir, one of them has.
Q Emma? A Yes sir, but one of them is here today, Flora.
Q You don't speak or understand the Choctaw language? A No sir.

The applicant has the appearance of being a full blood negro--shows no indications of being possessed of Indian blood--does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 29th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 13th day of May, 1902, at Muskogee, Indian Territory.

Charles N. Sawyer

Notary Public.

C[illegible]. M.C.R. 5486.

Muskogee, Indian Territory, April 5, 1904.

Prentiss Johnson,

Yazoo City, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas Johnson et al., including you and your child Burris Johnson.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Commissioner in Charge.

Registered.

N.C.R. 3486

COPY.

Muskogee, Indian Territory, June 30, 1904.

Prentiss Johnson,

Yazoo City, Mississippi,

Dear Sir:

You are hereby notified that on the 21st day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas Johnson et al., of which decision you were advised on the 5th day of April, 1904, by registered mail.

Respectfully,

(SIGNED)

T. D. Needles.

Commissioner in Charge.

No. 5186

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 29 1902
Date

Name Prentiss Johnson

Age 27 Blood 1/8

Post-Office. Yazoo City Miss.

Father: Tom Johnson "

Mother: Minerva " "

Claims through father

wife Florence Johnson "
no claim for wife.

Children:

Burris Johnson m 1mo

For ... Roll

Stenographer J. S. Niles

Choctaw MCR 5487

Flora Johnson

See MCR 4808

MCR 5487

5487

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 29, 1902.

In the matter of the application of Flora Johnson for identification as a MississippiChoctaw.

APPEARANCES: S.A.Beadle, Attorney for applic ant,
A.W.Jones, Agent for applicant.

Said Flora Johnson, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Flora Johnson.
Q How old are you? A Twenty-four.
Q How much Choctaw blood have you? A One-eighth.
Q what's your posteffice address? A Yazoo City, Mississippi.
Q How long have you lived in Yazoo County? A I lived there always.
Q Is your father living? A Yes sir.
Q What's his name? A Thomas Johnson.
Q Is your mother living? A No sir.
Q What was her name? A Winnie Johnson.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q Have you any full brothers or sisters living? A Yes sir.
Q How many? A I have five sisters and two brothers, full sisters and brothers.
Q Are any of them minors? A Yes sir, some of them are.
Q Your father has been before the Commission, has he? A Yes sir.
Q When was he here? A He was here in March I think; I don't know, exactly.
Q This year? A Yes sir, this year.

It will be necessary that the Commission be furnished with proper evidence of the marriage of your father and mother for use in connection with this application. This evidence should be furnished within thirty days from this date if it has not already been furnished in support of the application of some of your brothers or sisters.

Q Are you a half sister of Prentiss Johnson who has just appeared before the Commission? A Yes sir.
Q You have the same father? AA Yes sir, the same father.
Q Are you married? A No sir.
Q Have you ever been married? A No sir.
Q This application, then, is for yourself only, is it? A Yes sir.
Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under

the 14th article of the treaty of Dancing Rabbit Creek? A yes sir
Q Do you understand that 14th article? A yes sir.
Q You heard the entire examination of your brother Prentiss?
A Yes sir.
Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of the 14th article of the Treaty of Dancing Rabbit Creek than what has been disclosed by his testimony? A No sir,I don't know anything further.
Q You have no witnesses here today? A No sir.
Q No written evidence of any kind to offer? A No sir.
Q You don't know of any persons living who would likely know whether your ancestors,any of them,ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir,I do not.
Q Nor of any written evidence which would prove or tend to prove such a state of facts? A No sir.
Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q You don't speak or understand the Choctaw language? A No sir.

The applicant has the appearance of being a full blood negro,except that her hair is inclined to be straight--shows no indications of being possessed of Indian blood--does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 29,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 13th day of May,1902,at Muskogee,Indian Territory.

Charles K. Lawyer

Notary Public.

M.C.R. 5497.

COPY.

Muskogee, Indian Territory, April 5, 1904.

Flora Johnson,

Yazoo City, Mississippi,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas Johnson et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Commissioner in Charge.

Registered.

M.C.R. 3457

COPY.

Muskogee, Indian Territory, June 30, 1904.

Flora Johnson,

Yazoo City, Mississippi,

Dear Madam:

You are hereby notified that on the 21st day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas Johnson et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

#2158 No. 5187

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 29 1902
Date

Name Flora Johnson

Age 24 Blood 1/8

Post-Office. Yazoo City. Miss.

Father. Thomas Johnson C

Mother. Minnie " d.

Claims through father

Children:

L S Nile

Choctaw MCR 5488

John B. Scott

MCR 5488

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of John B. Scott, et al., for identification as Mississippi Choctaws, M.C.R.5488.

List of papers forwarded to the Secretary of the Interior comprising the record in the case of John B. Scott, et al.

(Page)

Original application of John B. Scott, et al., before the Dawes Commission for identification as Mississippi Choctaws 1

Affidavit of Martin Scott 6

Certificate of Jno. E. McBee, Clerk of Circuit Court, Holmes County, Mississippi 7

Certificate of J. C. Webb, postmaster 8

Joint affidavit of W. S. Gordon and H. M. Tucker 9

Decision of the Commission refusing the application of John B. Scott, et al., for identification as Mississippi Choctaws 10

---o---

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian,Mississippi,April 29,1902.

In the matter of the application of John B. Scott for the identification of himself and eight minor children,Josephine, William B.,Bettie,Henry H.,Annie D.,William McKinley,Eddie S.,and Mary L., as Mississippi Choctaws.

Said John B. Scott,being first duly sworn,testified as follows:

Examination by the Commission.

Q What's your name? A John B. Scott.
Q How old are you? A Forty-nine.
Q How much Choctaw blood do you claim to have? A My father was a Choctaw.
Q A full blood Choctaw? A Yes sir.
Q Your mother had no Choctaw blood? A No sir.
Q You claim a half,then? A Yes sir.
Q What's your postoffice address? A Pickens, Mississippi.
Q What County? A Holmes County.
Q How long have you lived in Holmes County? A Twenty-six years.
Q Where did you live before that? A I lived in Gainesville, Alabama.
Q What County is Gainesville in? A Sumter County.
Q How long did you live there? A I lived there from about six or eight months old until I was about sixteen.
Q Where were you born? A Near DeKalb, in Kemper County.
Q Is your father living? A No sir.
Q What was his name? A Angewah Tokana.
Q How long has he been dead? A I don't know,sir.
Q Did you ever see him? A No sir,I never seen him--I left him when I was six or eight months old--my mother moved to Alabama.
Q Is your mother living? A No sir.
Q What was her name? A Bettie Scott.
Q Was she a slave? A Yes sir.
Q You get your Choctaw blood solely through your father? A Yes sir.
Q Did your mother ever have any other children byhim? A Two others
Q By this Indian? A Yes sir.
Q Was sh ever married to him? A ~~Why~~ Well ,they was said to be--about like they did in them days--they lived right close to them--she wasn't married ,only lived together like they did in those days.
Q Do you know whethr they actually lived together as husband qnd wife?
A No sir,I don't know,but the old people said they lived about as much as they did then.
Q Do you know the name of your father's father or his mother?
A No sir.
Q Did he live in Kemper County all his life? A Yes sir,he died about four miles from DeKalb.
Q How old would he be if he were living now? A I don,t know,sir.
Q Do you know where his parents lived? A No sir,I know one of the Indians that claimed him to be his cousin that lives in DeKalb. I never seenhim myself--we moved away from there.

Q Are you married? A Yes sir.
Q Is your wife living? AYes sir.
Q As you living with her at this time? A Yes sir.
Q What's her name? A Annie T. Scott.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q Have you ever been married more than once? A No sir.
Q Has she? A No sir.
Q Were you married to her under a license? A Yes sir.
Q When? A In '78.
Q Who married you? A James Parker, a minister.
Q Where? A At Pickens,Mississippi.
Q Have you your license with you? A No sir.
Q How many children have you living? A Nine.
Q How many are under age and unmarried? A Eight under age.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Annie for use in connection with the application youmake for your minor children. This should be furnished within thirty days from this date if possible.

Q What are the names and ages of these minor children for whom you make application? A Josephine.
Q How old? A Seventeen.
Q Next one? A William B., fifteen.
Q Next one? A Bettie, eleven.
Q Next one? A Henry H., nine.
Q Next one? A Annie D., seven years old.
Q Next? A William McKinley, five years old.
Q Next one? A Eddie S., two years old.
Q Next one? A Mary L., she's a little over a year old.
Q Are these children all living with you at this time? A Yes sir.
Q Are they all the children of yourself and Annie T. Scott? A Yes sir.
Q This application,then,for yourself and eight minor children? A Yes sir.
Q Has any application ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and eight minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A I think I do.
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not that I know of.
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek wasmade? A Not that I knew of.
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians betweenthe years 1833 and 1838? A I don't know,sir.

Q Did any of them within six months after this treaty of Dancing Rabbit Creek was made let the Agent of the Government here in Mississippi,for the Choctaws,know that they wanted to stay here and become citizens of the States and take land? A I don't know,sir.
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know,sir.
Q Did any of them ever claim or receive any land from the Government under any provision in that treaty of Dancing Rabbit Creek? A Not that I know of.

In accordance with the provisions of that 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government,at its public land sales here in Mississippi,in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United states and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know,sir.

An act of Congress approved the 23rd day of August,1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article14 of the treaty of Dancing Rabbit Creek butthat his land had been sold by the Government,he should be entitled to select,in place of the land so sold by the Government,land some place else in Mississippi or in Alabama,Louisiana or Arkansas,from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not that I know of.
Q If any of your ancestors ever received any benefits whatever as Choctaw Indians,you asn't awar of the fact? A No sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
Q do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence of any kind to offer at this time in support of your application? A I have an affidavit.

The affidavit of Martin Scott is offered in evidence, identified as Exhibit-A,filed and made a part of the record in this case.

Q Who is this man Martin Scott whose affidavit you file? A He's a man that used to belong to the same man my mother did and lived with her.
Q Is he any relationto your mother? A No sir,he just belonged to the same owners.
Q Has he any interest whatever in the result of your application?
A No sir,none at all.
Q Have you any witnesses here today to testify in your behalf?
A No sir.

If you should find any witnesses whose testkmony you desire to have taken before the Commission they may appear before us here tomorrow or within a reasonable time at the office of the Commission in Muskogee,Indian Territory,and their testimohy will be taken.

Q Are there any further statements you would like to make at this time in support of your application? A No sir.
Q What's the name of your child who is of age? A John F. Scott.
Q Has he been before the Commission? A No sir.
Q Where does he live? A He's in school at Holly Springs,Mississippi.
Q Have you any brothers living? A Yes sir,I have some half brothers.
Q None by the same father? A No sir.
Q Have you any sisters living? A Yes sir.
Q Full sisters? A I have two.
Q What are their names? A Frances Boyd and Angeline Garrett.
Q Where do they live? A Frances Boyd lives in Jackson,Mississippi.
Q Has she been before the Commission? A No sir.
Q Where does the other sister live? A She lives in Gainesville, Alabama.
Q Has she been before the Commission? A No sir.

Q Did you ever have any other full sisters? A I don,t know,sir--my oldest sister she's dead.
Q Did you ever have any fullbrothers? A Yes sir,I had one-he died in infancy though.
Q Did your oldest sister,whom you state is dead,leave any children? A Yes sir,she left one,but he's dead.
Q Did he leave any children? A He left some but I don't know whether they's living or not.
Q You don't know what their names are? A No sir.
Q Your father never had any brothers or sisters,to your knowledge, did he? A No sir.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which thenegro blood predominates--he has black hair which is somewhat inclined to be straight--also has very high cheek bones--does not speak or understand the Choctaw language.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the five Civilized Tribes he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,April 29,1902,and that the above and fofegoing is a full true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 13th day of May,1902,at Muskogee,Indian Territory.

Charles K. Lawyer

Notary Public.

COPY.

C.W.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John B. Scott, et al., for identification as Mississippi Choctaws, M.C.R. 5488.

-----D E C I S I O N ----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by John B. Scott for himself and his eight minor children, Josephine, William B., Bettie, Henry H., Annie D., William McKinley, Eddie S. and Mary L. Scott, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the testimony that the principal applicant herein was born of a slave mother prior to the Emancipation Proclamation and was himself a slave, and that the other applicants are his lineal descendants, and it does not appear from the records in the possession of the Commission that any one of said applicants has ever been enrolled by the Choctaw tribal authorities

as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896(29 Stats. 321).

It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw and that the applications of John B. Scott, Josephine Scott, William B. Scott, Bettie Scott, Henry H. Scott, Annie D. Scott, William McKinley Scott, Eddie S. Scott and Mary L. Scott as such should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tams Bixby.
Acting Chairman

T. B. Needles.
Commissioner

C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory

DEC 12 1907

Miss.Choctaw 5488

Muskogee, Indian Territory, May 13, 1902.

J. F. Scott,

Pickens, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 7, inclosing certificate of John H. McBee, Clerk of the Circuit Court, Holmes County, Mississippi, to the destruction of the marriage records of that county for the year 1878, and the joint affidavit of W. S. Gordon and H. M. Tucker as witnesses of your marriage to Annie T. Scarborough on March 17, 1878. The affidavit, together with the certificate of the Clerk, has been accepted as evidence of your marriage, and will be filed with and made a part of your application for the identification of yourself and your minor children as Mississippi Choctaws. The certificate of J. G. Webb to your good standing in the community has also been made a part of the record in your case.

In reply to that part of your letter in which you ask if there is any chance for your son, J. E. Scott, who was of age at the time you made application, you are advised that the Commission cannot render any opinion as to the probable rights of applicants to identification as Mississippi Choctaws until they have made personal application and their cases are taken up for consideration and determination. If your son desires to make application for identifica-

J.B.S. 2

tion as a Mississippi Choctaw he will be heard, upon his personal appearance at the office of the Commission at Muskogee, Indian Territory. If he anticipates making such an application it is suggested that he do so as early as practicable.

Yours truly,

Acting Chairman.

M.C.R. 5488

Muskogee, Indian Territory, December 12, 1902.

John B. Scott,

Pickens, Mississippi.

Dear Sir:

You are hereby advised that on the 12th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John B. Scott, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have the authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw and that the applications of John B. Scott, Josephine Scott, William B. Scott, Bettie Scott, Henry H. Scott, Annie D. Scott, William McKinley Scott, Eddie S. Scott, and Mary L. Scott as such should therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Frank Dixby.

Acting Chairman.

Registered.

M.C.R. 5488

COPY.

Muskogee, Indian Territory, December 12, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 12th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John B. Scott, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw and that the applications of John B. Scott, Josephine Scott, William B. Scott, Bettie Scott, Henry H. Scott, Annie D. Scott, William McKinley Scott, Eddie S. Scott and Mary L. Scott as such should, therefore, be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papersin the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, December 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of John B. Scott, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 12, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 5488

(COPY)

Land
27--1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, February 18, 1903.

The Honorable,
The Secretary of the Interior.

Sir:-

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of John D. Scott, for the identification of himself and his eight minor children, Josephine, William B., Bettie, Henry H., Annie D., William McKinley, Eddie S., and Mary L. Scott, as Mississippi Choctaws.

On December 12, 1902, the Commission rendered an opinion in this case finding that no freedman is entitled to identification as a Mississippi Choctaw, and that on this ground the application herein should be refused.

The office has examined the record evidence submitted by the applicants, which shows that they are not of the full-blood; and further shows that they claim to have derived their Choctaw blood from their father, Angowah Tokana, but there is no evidence that their said ancestor or any other ancestor ever complied or attempted to comply with the provisions of the 14th article of the Choctaw

treaty of 1830.

An examination of the office records fails to show that any person by the name of Angewah Tokaha ever complied with the provisions of said 14th article or received a patent for land thereunder. The record evidence in no way supports the claims of the applicants, and the office therefore considers that their application should be denied, and recommends the approval of such a finding by the Department.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

W.C.B.(E.)

(COPY)

D C 8422-1903. DEPARTMENT OF THE INTERIOR. EAF.

ITD.2038-1903. Washington.

L.R.S. March 21, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

December 29, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of John B. Scott and his minor children, Josephine, William B., Bettie, Henry H., Annie D., William McKinley, Eddie S. and Mary L. Scott, including your decision of December 12, 1902, refusing the application.

You found that the principal applicant was born of a slave mother and was himself a slave, and you held that no freedman is entitled to identification as a Mississippi Choctaw.

The principal applicant was unable to give the name of a more remote ancestor than that of his father, Angewah Tokana, and the Acting Commissioner of Indian Affairs reports February 18, 1903, that the records of his office fail to show that Angewah Tokana complied or attempted to comply with article 14 of the treaty of September 27, 1830, and he recommends that the application be denied.

Concurring in that recommendation, the application is hereby denied. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 5488.

COPY.

Muskogee, Indian Territory, March 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John B. Scott, et al., of which decision you were advised by mail on the 12th day of December, 1902.

Respectfully,

Tams Bixby

Chairman.

M.C.R. 5488.

COPY.

Muskogee, Indian Territory, March 31, 1903.

John B. Scott,

Pickens, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John B. Scott, et al., of which decision you were advised by registered mail on the 12th day of December, 1902.

Respectfully,

Tams Bixby.
Chairman.

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 29 1902

Name John B. Scott

Age 49 Blood 1/2

Post-Office, Pickens, Miss.

Father: Ăŋgewah Tokaña d

Mother: Betty Scott. d

Claims through father

wife Annie T. Scott. L

no claim for wife.

For self, wife & Children.

Children:

Josephine	Scott	17
William B.	"	15
Bettie	"	11
Henry [illegible]	"	9
Annie D.	"	7
William McKinley	"	5
Eddie S.	"	2
Mary L.	"	1

Stenographer J. S. Niles

5489

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 30, 1902.

In the matter of the application of William Hoggatt Jr., for identification as a Mississippi Choctaw.

Appearances:
S.A.Beadle, Attorney for Applicant.
A. W.Jones, Agent for Applicant.

William Hoggatt Jr., having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A William Hoggatt Jr.
Q How old are you? A Twenty seven.
Q How much Choctaw blood have you? A Great grand mother -
Q Was a full blood? A Yes, sir.
Q You claim to be one-eighth, then? A Yes, sir.
Q What's your post office address? A 306 Canal Street, Natchez, Mississippi.
Q How long have you lived in Natchez? A Been living there twenty seven years; all my life.
Q Is your father living? A Yes, sir.
Q What's his name? A William Hoggatt.
Q Your mother living? A Yes, sir.
Q What's her name? A Louisa Hoggatt.
Q Through which one of your parents do you get your Choctaw blood?
A Father's side.
Q Is William Hoggatt, who appeared before the Commission here yesterday, your father? A Yes, sir.
Q Are you married? A No, sir.
Q Ever been married? A Nok sir.
Q You claim for yourself only, then? A Yes, sir.
Q Any application of any descriptionever been made before today inyour behalf for the purpose of establishing your rights as a Choctaw Indian? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under article fourteen of the treaty of Dancing Rabbit Creek?
A Yes, sir.
Q You understand that fourteenth article? A Yes, sir.
Q Any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?
A Not that I knows of.
Q Any of them own an improvement here in the old Choctaw Nation in 1830, when this treaty was made? A No, sir. Not that I knows of.
Q Any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
A No, sir.
Q

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A Not that I knows of.

Q Any of them ever get any land from the Government of the United States under the treaty of Dancing Rabbit Creek? A No, sir.

Inaccordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account the Government at its public land sales here inMississippi inmany instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing forthe appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

QDid any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No, sir.

An Act of COngress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here inMississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?
A Not that I knows of.

William Hoggatt Jr., S.

Q You don't know of any old personliving who would likely know whether any of your people ever complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek?
A No, sir; only the one that was here yesterday inmy father's case.
Q What was his name? A Jesse Trowser.
Q You have no writtenevidence of any kind to offer at this time? A No
A No, sir.
Q Any further statements you want to make? A No, sir.

(This applicant has the a pearance of being possessed of a misture of negro and either white or Indian blood, inwhich the white or Indian blood predominates. He has rather dark skinand gray eyes; he does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, uponhis oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported infull all proceedings had inthe above entitled cause at Meridian, Mississippi, on the 30th day of April, 1902, and that the above and foregoing is a full true and correc t translation of his stenographic notes of said proceedings insaiddcause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 20th day of May, 1902 .

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, July 30, 1902.

W. F. Barron,

Natchez, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th inst., wherein you state that Mrs. Ruth Harris has given her power of attorney "to one A. W. Jones of Muskogee, Indian Territory, to represent her before the Commission." You ask "will this power of attorney be all that is necessary and can she file a claim after the case of her father, William Hoggath, has been decided."

In reply you are informed that the Commission of the 22nd inst., wrote you advising fully the procedures necessary in presenting to the Commission applications for identification as Mississippi Choctaws. The status of the case of William Hoggath was also given you.

The rules and regulations of this Commission and of the Department of the Interior require that each applicant for identification as a Mississippi Choctaw, make personal appearance before the Commission for examination under oath, at which time a proper record is made of the application and until such personal appearance is made, no consideration can be given an application, nor any opinion expressed as to the sufficiency of the evidence to be offered in

W F B

support of such application.

Yours truly,

Acting Chairman.

M.C.R. 5489

COPY

Muskogee, Indian Territory, January 2, 1903.

William Hoggatt, Jr.,

Natchez, Mississippi

Dear Sir:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Hoggatt, et al., embracing the following applications for identification as Mississippi Choctaws:

William Hoggatt, et al.	M.C.R. 5483
William Hoggatt, Jr.	M.C.R. 5489
Theodore P. Hoggatt	M.C.R. 5484

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Hoggatt, Mary Hoggatt, Camile Hoggatt, William Hoggatt Jr. and Theodore P. Hoggatt as Choctaw Indians entitled to

rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Dietz

Acting Chairman.

Registered.

M.C.R. 8489.

COPY

Muskogee, Indian Territory, April 17, 1903.

William Hoggatt, Jr.,

Natchez, Mississippi.

Dear Sir:

You are hereby notified that on the 6th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Hoggatt, et al., of which decision you were notified by registered mail on the 2d day of January, 1903.

Respectfully,

Tams Bixby.

Chairman.

2166 No. 6485

For Identification as a Mississippi Choct

Meridian Miss.

Date APR 30 1902

Name William Hoggatt Jr.

Age 27 Blood 1/8

3,06 Canal St

Post-Office, Natchez Miss.

Father: William Hoggatt L

Mother: Louisa " L

Claims through father.

Children:

Stenographer R. S. Stuart

Choctaw MCR 5490

William Hollin

MCR 5490

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---:---

In the matter of the application of William Hollin, et al., for identification as Mississippi Choctaws, M.C.R. 5490.

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

	Page.
Original application of William Hollin, et al., for identification as Mississippi Choctaws.	1
Certified copy of marriage record of W. H. Holly and S. A. Brown.	7
Affidavit of Dettie Memphill in support of application.	8
Affidavit of Adaline Woods in support of application.	9
Affidavit of Emanuel Taylor in support of application.	10
Affidavit of Sarah Johnson in support of application.	11
Decision of the Commission refusing the application of William Hollin, et al., for identification as Mississippi Choctaws.	12

---:---

3490

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 30, 1902.

Inthe matter of the application of William Hollin for the identification of himself and six minor children, George, Alice, Etheli ne, Paul, Lloyd and Florence, as Mississippi Choctaws.

Appearances:
S. A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

William Hollin, having been first duly sworn, upon his oath states as follows:

Examination by the Commission.

Q What is your name? A William Hollin.
Q How old are you??A I will be forty one inseptember.
Q How much Choctaw blood have you? A One eighth.
Q What's your post office address? A Vicksburg, Mississippi.
Q Local address? A 711-1/2 Open Wood Street.
Q How long have you lived in Vicksburg? A Six years.
Q Where did you live before that? A In JeffersonCounty.
Q How long did you live there? A Four years.
Q Where did you live before that? A Yazoo City.
Q How long? A Two years.
Q Where before that? A InBirmingham.
Q How long? A Four years.
Q Where before that? A In Yazoo County.
Q How long? A All my life.
Q Father living? A No, sir.
Q What was his name? A William Hollin.
Q Mother living? A No, sir.
Q What was her name? A Amanda Hollin.
Q Through which one of your parents did you derive your Choctaw blood? A Mother.
Q Where was she born? A In Yazoo County.
Q Lived there all her life? A Yes, sir.
Q Was she a slave? A Yes, sir.
Q How old would she be if she were living now? A She would be fifty nine years old.
Q Through which one of her parents did she get her Choctaw blood?
A Her mother.
Q What was her name? A Celia Brown.
Q Celia Brown, you claim, was a half blood? A Yes, sir.
Q How long has she been dead? A Since '74.
Q How old was she when she died? A She was fifty nine years old, - between fifty nine and sixty.
Q Was she a slave too? A Yes, sir.
Q Where was she born? A In Doliver County.

Q Mississippi? A Yes, sir.
Q Lived in this State all her life? A Yes, sir.
Q Through which one of her parents did she get her Choctaw blood?
A Her mother.
Q What was her name? A Parthlenia.
Q Parthlenia what? A I don't know.
Q You ever see her? A No, sir.
Q You claim she was a full blood Choctaw? A Yes, sir.
Q Did she live in this State all her life? A Yes, sir, all her life to my knowing.
Q What part? A Bolivar County.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q What's her name? A Star A Hollin.
Q Any Choctaw blood? A No, sir, not that I know of.
Q Make no claim for her? A No, sir.
Q Have you beenmarried more than once? A Yes, sir.
Q How many times? A Two.
Q Have you any children by your first wife? A Two.
Q Any by your second wife? A Four.
Q What are the names of your children by your first wife? A George and Alice.
Q How old is George? A George is 19 years old.
Q How old is Alice? A She is seventeen.
Q They are living with you at this time? A No, sir.
Q Where do they live? A They are at school at present.
Q Their home is with you? A Their home has been with their grand mother, and their home would be with their grand mother.
Q Has their mother any Choctaw blood? A No, sir.
Q What's her name? A Hattie Wilborn.
Q Where does she live? A Yazoo City.
Q Has she ever been before this Commission to make application for these children? A No, sir, not that I know of.
Q Were you married to her under a license? A Yes, sir.
Q Where? A Jackson, Mississippi.
Q When? A In 1883.
Q Who married you? A A preacher married me; I have forgotten his name.
Q Have you your license with you at this time? A No, sir, not of that marriage? A

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, the mother of these two children, to be used inconnection with the application which you make in their behalf.

Q How long have you been separated? A About fourteen years. More than that, fifteen years.
Q Did you separate by divorce? A Yes, sir.
Q When were you married to your second wife? A In 1887.
Q How long were you divorced from your first wife? A About three years - between two and three years.
Q What were the names of your children by your second wife?
A Etheline.

Q How old? A She will be eight years old in July.
Q Next one? A Paul.
Q How old??A Seven years old.
Q Next one? A Lloyd.
Q How old? A Four.
Q Next one? A Florence.
Q How old? A Ten months.
Q These four are the children of yourself and Star A. Hollin? A Yes, sir.
Q Were you married to her under a license? A Yes, sir.
Q Where were you married to her? A Birmingham, Alabama.
Q Who married you? A A methodist preacher.
Q Have you your license with you here? A Yes, sir.

A certified copy of the marriage license and of W.H. Holly and S.A.Brown is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

Q In your marriage license your surname is given as Holly, you state it was Hollin? A That is the way they written it.
Q You think they made a mistake in writing it out? A Yes, sir.
Q What was your wife's father's name? A He was a Brown, but I can't think of his first name. He has been dead quite a while.

It will be necessary for you to furnish the Commission with proper evidence of the decree of divorce of yourself and Hattie Wilborn, for use in this case. This evidence should be furnished within thirty days from this date, if possible.

Q Are these four children living with you at this time? A Yes, sir.
Q This application is for yourself and six minor children? A Yes, sir.
Q Has any application of any description ever been made before to-day for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the fourteenth article of the treaty of Dancing Rabbit Creek, for yourself and these children, do you? A Yes, sir.
Q You understand that fourteenth article? A Yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?
A Not that I know of.
Q Any of them own an improvement here in Mississippi and Alabama, in 1830, when this treaty was made? A Not that I know of.
Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
A Not that I know of.
Q Any of them, within six months, after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here

and become citizens of the States and take land? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Or under any other provision of that treaty? A Not that I know of/

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account, the Government at its public land sales here in Mississippi, inmany instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This aused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A None that I ever heard of

An act of Congress approved on the 23rd day of August, 1842, provided that incase it should be finally decided that a Choctaw had complied inall respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select inthe place of the land so sold by the Government, land some place else here in Mississippi, or inAlabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government under this Act of Congress? A Not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to

comply with the fourteenth article or ever received any benefits thereunder? A I do.
Q You know of people who know that? A No, sir.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
Q Have you any written evidence of any kind to offer at this time?
A Yes, sir.

The affidavits of Bettie Hemphill, and Adaline Woods, are offered inevidence, identified as Exhibits "B and C", respectively, filed and made a part of the record inthis case.

Q Are these people who make these affidavits any relation to you?
A None whatever.
Q Have they any interest in the result of your application?
A No, sir, none at all.
Q Where do they live? A In Yazoo City.
Q Any further statements you want to make a in support of your application? A No, sir.
Q You have not witnesses here today? A No, sir.
Q Have any of your relatives ever been before the Commission? A None that I know of.
Q Have you any full brothers? A No, sir.
Q Any full sisters? A One.
Q Is she living? A No, sir.
Q Did she leave any children? A No, sir.
Q Did your mother ever have any brothers? A Yes, sir.
Q How many? A Two.
Q Are they living? A One.
Q What's his name? A Manfred Brown.
Q Where does he live? A Yazoo City.
Q Has he ever been before the Commissionto your knowledge? A Not that I know of.
Q Did her other brother leave children? A No, sir.
Q Did your mother ever have any sisters? A Two.
Q Are they living? A No, sir.
Q Did they leave children? A No, sir.

By S.A.Beadle:
Hollin, the marriage license offered by you bears the name of Holly instead of W.H.Hollin, your correct name; do you now swear that you are the identical W.H.Hollin who was married to S.A. Brown, mentioned in that license? A Yes, sir, I do.

By Commission:
If you should find any witnesses whose testimony you desire to have taken by the Commission, in support of your application, they may appear before us at the general office of the Commission, in Muskogee, Indian Territory, within a reasonable time, and their testimony will be taken.)

William Hollin, et al., 6.

(This applicant has the appearance of being a full blood negro, and does not speak or understand the Choctaw language Shows no indication of being possessed of Indian blood.)

R. S. Streit having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported infull all proceedings had inthe above entitled cause at Meridian, Mississippi, on the 30th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings insaid cause uponsaid date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 20th day of May, 1902.

Notary Public.

G.A.L.
C.W.W.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

------o------

In the matter of the application of William Hollin, et al., for identification as Mississippi Choctaws, M.C.R. 5490.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws, was made to this Commission by William Hollin for himself and his six minor children, George, Alice, Etheline, Paul, Lloyd and Florence Hollin, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Parthlenia, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and

thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five CivilizedTribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Parthlenia, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Hollin, George Hollin, Alice Hollin, Etheline Hollin, Paul Hollin,

Lloyd Hollin and Florence Hollin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
OCT 22 1902
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M C R 8490

Muskogee, Indian Territory, July 25, 1902.

S. A. Beadle,

Jackson, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, to A. W. Jones, Muskogee, Indian Territory, with which was enclosed the affidavits of Emanuel Taylor and Sarah Johnson offered for filing in support of the application of William Hollin for the identification of himself and his minor children as Mississippi Choctaws. The same have been filed with the record in this case.

Yours truly,

Commissioner in Charge.

M.C.R. 5'90

Muskogee, Indian Territory, October 22, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 22nd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William Hollin, et al., applicants for identificaion as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Hollin, George Hollin, Alice Hollin, Etheline Hollin, Paul Hollin, Lloyd Hollin and Florence Hollin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of said article fourteen of the treaty of eighteen hundred and thirty and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the applicants in this case

M. McM. & C.----------?

have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SNED) James Sinclair
Acting Chairman.

M.C.R. 5490

Muskogee, Indian Territory, October 22, 1902.

A.W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 22nd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William Hollin, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Hollin, George Hollin, Alice Hollin, Etheline Hollin, Paul Hollin, Lloyd Hollin and Florence Hollin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

CC.

M.C. - 5490

Muskogee, Indian Territory, October 22, 1902.

S.A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 22nd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William Hollin, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

"Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Hollin, George Hollin, Alice Hollin, Etheline Hollin, Paul Hollin, Lloyd Hollin and Florence Hollin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which

S.A. Beadle----------2

to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tana Dinsby.
Acting Chairman.

Registered.

M.C.R. 5490

Muskogee, Indian Territory, October 22, 1902.

William Hollin,

Vicksburg, Mississippi.

Dear Sir:

You are hereby advised that on the 22nd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William Hollin, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Hollin, George Hollin, Alice Hollin, Etheline Hollin, Paul Hollin, Lloyd Hollin and Florence Hollin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Fame Darby.

Acting Chairman.

Registered.

M.C.R. 5490

Muskogee, Indian Territory, November 7, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of William Hollin, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 22, 1902.

The Commission has the honor to report that the principal applicant herein, his attorney of record, his agent and the attorneys for the Choctaw and Chickasaw Nation have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated case of John W. Gray, et al., decision in which was rendered by the Commission on September 4th, 1900, and approved by the Secretary on January 5th, 1902.

Respectfully,

Acting Chairman

Through the
Commissioner of Indian Affairs,
1 Enclosure, M C R 5490

Miss.Choctaw R5490

Muskogee, Indian Territory, November 11, 1902.

William Wallin,

Vicksburg, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of argument offered for the consideration of the Secretary of the Interior, in the matter of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same is herewith returned to you for the reason that, the fifteen days heretofore granted in your case having expired on November 6, 1902, on November 7, 1902, the record therein was forwarded to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

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COPY

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67811-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 11, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of William Hollin, for himself, and his six children, George, Alice, Etheline, Paul, Lloyd and Florence Hollin, wherein a decision adverse to the applicants was rendered by the Commission on October 22, 1902.

It appears from the evidence in this case that the applicants base their claims to identification on their descent from one Parthlenia, who, it is claimed, was a citizen of the Choctaw Nation and resided in Mississippi or Alabama in 1830, and also from one Celia Brown, a slave.

The Commission bases its decision rejecting these parties on the fact that the name of Parthlenia, or any ancestor less remote, does not appear upon its records as having complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that the names of Parthlenia and Celia Brown are not included in the list of those persons who complied or attempted to comply with

the provisions of the 14th article of the treaty of 1830, and it is, therefore, recommended that the decision of the Commission, rejecting these parties be approved.

The office has examined the argument of W. E. Mollison, attorney for claimants, and considers that it does not in any way alter the judgment of the office.

Very respectfully,

A. C. Tonner,
Acting Commissioner

E.B.H. H'r.
4 enclosures.

D.C. 6800 C O P Y. J.W.H.

DEPARTMENT OF THE INTERIOR. FHE.

W A S H I N G T O N.

I.T.D. 1610-1903.
7240-1903. March 7, 1903.

L R S

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 7, 1902, you transmitted the record in the case of William Hollin (M.C.R. 5490) for himself and his six minor children, George, Alice, Etheline, Paul, Lloyd and Florence Hollin, applicants for identification as Mississippi Choctaws, including your decision of October 22,1902, refusing to identify them as such.

The principal applicant, whose degree of Choctaw blood is 1/8th, traces his Choctaw descent through his maternal ancestors, claiming that his mother, Amanda Hollin, was a slave who was born in Yazoo county, Mississippi, in 1843; that her mother was Celia Brown, who was a 1/2 blood Choctaw and a slave, and who was born in 1814 in Bolivar county, Mississippi, and died in that State in 1874. The latter was the daughter of a full blood Choctaw woman named Parthlenia, who lived in Mississippi all her life.

As the only ancestors through whom these applicants claim who were living in 1830, were Celia Brown and her mother, Parthlenia, it is necessary to determine whether either of them ever complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto. As the former was a slave at the date of said treaty, she was legally incapable of complying with said article, and, as there is nothing

in the testimony furnished by the applicants nor in the records in the possession of the Government, showing that the latter was entitled to be a beneficiary under said article, it follows that their descendants are not entitled to identification as Mississippi Choctaws.

Reporting in the matter February 11,1903, the Acting Commissioner of Indian Affairs recommended that your action be approved. A copy of his letter is inclosed.

After considering the whole record, in connection with the arguments filed therewith, the Department finds no cause to disturb your decision, and the same is hereby affirmed. You are requested to furnish the principal applicant a copy of this decision.

Respectfully,

F. L. Campbell,

Acting Secretary

1 inclosure.

M. C. R. 5490

COPY.

Muskogee, Indian Territory, March 19, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 7th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of William Hollin, et al., of which decision you were advised by mail on the 22nd day of October, 1902.

Respectfully,

Tams Bixby

Chairman.

M. C. R. 5490

COPY.

Muskogee, Indian Territory, March 19, 1903.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 7th day of March, 1903 the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of William Hollin, et al., of which decision you were advised by registered mail on the 22nd day of October, 1902.

Respectfully,

Tams Bixby

Chairman.

M. C. P. 5490

)PY.

Muskogee, Indian Territory, March 19, 1903.

S. A. Beadle,

Attorney-at-Law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 7th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William Hollin, et al., of which decision you were advised by registered mail on the 22nd day of October, 1902.

Respectfully,

Chairman.

M. C. R. 5490.

COPY.

Muskogee, Indian Territory, March 19, 1903.

William Hollin,

Vicksburg, Mississippi.

Dear Sir:

You are hereby notified that on the 7th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of William Hollin, et al., of which decision you were advised by registered mail on the 22nd day of October, 1902, and on the same date requested that you be furnished a copy of his decision in said case, which is herewith inclosed.

Respectfully,

Tarris

Chairman.

Enc. 5490

#3761

No. 5190

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 30 1902

Name William Hollin

Age 40 Blood 1/8

Post-Office, 711½ Grenwood St. Vicksburg Miss

Father: William Hollin d

Mother: Amanda " d

Claims through mother

wife Star A Hollin L

no claim for wife.

For self and 6 children

Children:

George Hollin 19

Alice " 17

mother Hattie Wilborn (no claim) L

Etheline Hollin 7

Paul " 6

Lloyd " 4

Florence " 10 Mo

mother's mother Celia Brown d

Stenographer R. S. Streit

END
OF
ROLL